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*Kingston, Ont. By-Laws.*

THE  
CONSOLIDATED BY-LAWS  
OF THE  
CITY OF KINGSTON,  
WITH  
APPENDIX.



KINGSTON, ONT.:  
PRINTED AT THE DAILY NEWS OFFICE.  
1883.

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1883

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JAMES AGNEW, ESQ., CITY SOLICITOR.

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W.  
J. C.  
R. J.  
L. C.  
W.  
G. C.  
J. D.

C.  
C.  
C.  
C.  
C.  
A.  
C.  
H.  
M.  
A.

C.

## CITY COUNCIL, 1883.

CHARLES LIVINGSTON, ESQUIRE, MAYOR.

*Aldermen :*

W. ALLEN,	W. DUNN,	J. QUIGLEY,
J. CARSON,	C. F. GILDERSLEEVE,	J. REDDEN,
R. J. CARSON,	W. D. GORDON,	F. SHAW,
L. CLEMENTS,	W. IRVING,	E. H. SMYTHE,
W. CROTHERS,	E. LAW,	J. L. WHITING,
G. CREEGGAN,	T. H. MCGUIRE, Q.C.,	J. WILSON,
J. DOWNING,	J. MCINTYRE, Q.C.,	W. WILSON.

## OFFICERS OF CITY COUNCIL, 1883.

<i>City Clerk</i> .....	MICHAEL FLANAGAN.
<i>City Treasurer</i> .....	FRANCIS C. IRELAND.
<i>City Solicitor</i> .....	JAMES AGNEW.
<i>City Engineer</i> .....	WILLIAM COVERDALE.
<i>Clerk of the Market and Harbour Master</i> .....	ALEXANDER SMYTH.
<i>Assessor and City Commissioner</i> .....	W. S. GORDON.
<i>Collector of Taxes</i> .....	LEWIS MIDDLETON.
<i>High Bailiff</i> .....	EDWIN HORSEY.
<i>Messenger</i> .....	ANDREW LANIGAN.
<i>Auditors, 1883.</i> .....	{ ADAM MCARTHUR, HENRY RUTTAN.

## PARK.

<i>Caretaker Park</i> .....	ALEXANDER McCABE.
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## SELECT COMMITTEES ON CONSOLIDATION OF BY-LAWS.

**1881.**

MAYOR :

E. J. B. PENSE, ESQUIRE.

The Mayor, Alds. Allen, R. J. Carson, J. P. Gildersleeve, Robinson, Gaskin, McGuire, and Smythe (Chairman).

**1882.**

MAYOR :

JOHN GASKIN, ESQUIRE.

The Mayor, Alds. Allen, R. J. Carson, McGuire, J. P. Gildersleeve, and Smythe (Chairman).

**1883.**

MAYOR :

CHARLES LIVINGSTON, ESQUIRE.

The Mayor, Alds. Allen, R. J. Carson, McGuire, McIntyre, and Smythe (Chairman).

# MEMBERS OF THE TOWN COUNCIL OF THE TOWN OF KINGSTON FROM ITS INCORPORATION IN 1838 UNTIL ITS INCORPORATION AS A CITY IN 1846.

Year	Mayor.	Ward One.	Ward Two.	Ward Three.	Ward Four.	Clerk.
1838	Thomas Kirkpatrick	Alderman. Thomas Smith. Councillman. Edmund Boyle	Alderman. James Fraser. Councillman. Samuel Phippen.	Alderman. Edward Noble. Councillman. Walter McCuniffe	Alderman. Thomas Greer. Councillman. Daniel Caffrey.	William Dawe.
1839	Henry Casady. James Sampson.....	Alderman. Thomas Smith. Councillman. Edmund Boyle	Alderman. James Fraser. Councillman. Samuel Phippen.	Alderman. Edward Noble. Councillman. Walter McCuniffe *	Alderman. James Williamson. Councillman. Roderick M. Rose.	William Dawe.
1840	James Sampson.....	Alderman. Thomas Smith. Councillman. Edmund Boyle	Alderman. Henry W. Benson. Councillman. Samuel Phippen.	Alderman. Edward Noble. Councillman. Walter McCuniffe.	Alderman. James Williamson. Councillman. Roderick M. Rose.	William Dawe.
1841	John Counter.....	Alderman. Thomas Smith. Councillman. Edmund Boyle	Alderman. Henry W. Benson. Councillman. Samuel Phippen.	Alderman. Edward Noble. Councillman. John Hood Greer.	Alderman. James Williamson. Councillman. Roderick M. Rose.	William Dawe, F.M.Hill, act'g Clerk
1842	John Counter.....	Alderman. Joseph Thirkell. Councillman. John Shaw.	Alderman. Henry W. Benson. Councillman. Samuel Phippen.	Alderman. Edward Noble. Councillman. John Hood Greer.	Alderman. James Williamson. Councillman. Roderick M. Rose.	Francis Manning Hill.
1843	John Counter .....	Alderman. Joseph Thirkell. Councillman. John Shaw.	Alderman. Henry W. Benson. Councillman. Samuel Phippen.	Alderman. Edward Noble. Councillman. John Hood Greer.	Alderman. John A. Macdonald. Councillman. Robert Anglin.	Francis Manning Hill. M. Flanagan, Ass't.
1844	James Sampson..... Thos. W. Robinson. }	Alderman. Joseph Thirkell. Thos. W. Robinson. Charles Stuart Councillman. John Shaw.	Alderman. Henry W. Benson Councillman. Samuel Smyth.....	Alderman. Edward Noble. Councillman. Joseph H. Daley.	Alderman. John A. Macdonald. Councillman. Robert Anglin.	Francis Manning Hill M. Flanagan, Ass't.
1845	Thos. W. Robinson...	Alderman. Charles Stuart Councillman. John Shaw.	Alderman. Henry W. Benson Councillman. Samuel Smyth.....	Alderman. Edward Noble. Councillman. Joseph H. Daley.	Alderman. John A. Macdonald. Councillman. Robert Anglin.	Francis Manning Hill. M. Flanagan.
1846	Robert McLean.....	Alderman. Matthew T. Hunter. Councillman. William Ford.	Alderman. Henry W. Benson. Councillman. Samuel Smyth.....	Alderman. Edward Noble. Councillman. Joseph H. Daley	Alderman. John A. Macdonald. Councillman. Robert Anglin.	Michael Flanagan.

# Members of the City Council from the Incorporation of

<i>Year.</i>	<i>Mayor.</i>	<i>Sydenham Ward.</i>	<i>Ontario Ward.</i>
1846	John Counter.	Aldermen. John H. Greer. Matthew T. Hunter. Councillors. James W. Brent. Samuel Stryth.	Aldermen. Henry W. Benson. James Baker. Councillors. William Ford. Robert Chanonhouse.
1847	Thomas Kirkpatrick.	Aldermen. Thomas Kirkpatrick. Joseph Brennan Hall. Councillors. Samuel Smyth. George McMahon.	Aldermen. James Baker. William Ford, Jr. Councillors. Robert Chanonhouse. James Linton.
1848	William Ford, Jr.	Aldermen. Francis Manning Hall. Samuel Smyth. Councillors. George McMahon. Robert Waddingham.	Aldermen. James Baker. William Ford, Jr. Councillors. Robert Chanonhouse. James Linton.
1849	Francis Manning Hill	Aldermen. Francis Manning Hill. Samuel Smyth. Councillors. George McMahon. Robert Waddingham.	Aldermen. James Baker. William Ford, Jr. Councillors. { Robert Chanonhouse. } Robert Anglin. James Linton.

the City of Kingston in 1846 until 1849, inclusive.

<i>St. Lawrence Ward.</i>	<i>Cataragui Ward.</i>	<i>Frontenac Ward.</i>	<i>Clerk.</i>
Aldermen. John Counter. Matthew Rourke. Councillors. Robert Allen. John Wiley.	Aldermen. Edward Noble. James Meagher, Sr. Councillors. Robert Anglin. James Meagher, Jr.	Aldermen. Augustus Thibodo. John Flanigan. Councillors. John Breden. John Harvey.	Michael Flanagan.
Aldermen. John Counter. John Mowat. Councillors. Robert Allen. John Wiley.	Aldermen. Thos. W. Robinson. James Meagher, Sr. Councillors. Robert Anglin. John Patterson.	Aldermen. John Flanigan. John Breden. Councillors. John Harvey. John Crawford.	Michael Flanagan.
Aldermen. John Counter. William Wilson. Councillors. Robert Allen. John Wiley.	Aldermen. Robert Anglin. Allan N. McLean. Councillors. John Patterson. William Simpson.	Aldermen. John Breden. John Flanigan. Councillors. John Crawford. John Harvey.	Michael Flanagan.
Aldermen. Robert Allen. John Counter. Councillors. John Crawford. John Wiley.	Aldermen. Allan N. McLean. Michael McCuniffe. Councillors. Henry Bartliff. Thomas O. Butler.	Aldermen. John Breden. John Flanigan. Councillors. James Gardiner. Robert Matthews.	Michael Flanagan.

# Members of the City Council of the

Year.	Mayor.	Sydenham Ward.	Ontario Ward.	St. Lawrence Ward.
1850	John Counter.	Alderman. A. J. Macdonell. Councillors. Samuel Smyth. R. Waddingham.	Alderman. James O'Reilly. Councillors. Robert Anglin. James Linton.	Alderman. John Counter. Councillors. John Shaw. John Wiley.
1851	Francis M. Hill.	Aldermen. A. J. Macdonell. Ken. Mackenzie. Councillors. Samuel Smyth. R. Waddingham.	Aldermen. William Ford, Jr. Robert Jackson. Councillors. Geo. McMahon. Ellery W. Palmer.	Aldermen. Robert Allen. John Crawford. Councillors. James Chestnut. John Wiley.
1852	John Counter.	Aldermen. Francis M. Hill. A. J. Macdonell. Councillors. Samuel Smyth. R. Waddingham.	Aldermen. William Ford, Jr. Robert Jackson. Councillors. B. Fitzpatrick. George McMahon.	Aldermen. John Counter. John Crawford. Councillors. William Rudston. John Wiley.
1853	John Counter.	Aldermen. A. J. Macdonell. Aug. Thibodo. Councillors. C. W. P. De l'Armitage. R. Waddingham.	Aldermen. James Baker. Robert Jackson. Councillors. B. Fitzpatrick. Wm. McMillan.	Aldermen. Hy. Armstrong. John Counter. Councillors. William Rudston. John Wiley.
1854	John Flanigan.	Aldermen. O. S. Gildersleeve. Horatio Yates. Councillors. Geo. W. Fenwick. Robt McCammon.	Aldermen. James Baker. Robert Jackson. Councillors. Timothy Bowes. Stewart Milsap.	Aldermen. John R. Dickson. A. J. Macdonell. Councillors. Edwin Chown. William Rudston.
1855	John Counter. O. S. Gildersleeve.	Aldermen. O. S. Gildersleeve. Horatio Yates. Councillors. C. W. De l'Armitage. Thos. C. Pidgeon.	Aldermen. James Baker. B. Fitzpatrick. Robert Jackson. Councillors. James Campbell. Steward Milsap.	Aldermen. John R. Dickson. William Rudston. Councillors. Edwin Chown. Thomas Overend.
1856	O. S. Gildersleeve.	Aldermen. O. S. Gildersleeve. Horatio Yates. Councillors. C. W. De l'Armitage. Thos. C. Pidgeon.	Aldermen. James Baker. James Hart. Councillors. Alex. M. Brown. James Campbell.	Aldermen. John R. Dickson. William Rudston. Councillors. Edwin Chown. Thomas Overend.
1857	George Davidson.	Aldermen. C. W. De l'Armitage. John Shaw. Councillors. Robt McCammon. Thos. C. Pidgeon.	Aldermen. James Baker. James Hart. Councillors. Alex. M. Brown. James Campbell.	Aldermen. John R. Dickson. William Rudston. Councillors. Edwin Chown. Thomas Overend.

## City of Kingston since 1850, inclusive.

<i>St. Lawrence Ward.</i>	<i>Catawqui Ward.</i>	<i>Frontenac Ward.</i>	<i>Rideau Ward.</i>	<i>Victoria Ward.</i>	<i>Clerk.</i>
Aldermen. John Counter. Councillors. John Shaw. John Wiley.	Alderman. M. McCanniffe. Councillors. Henry Bartliff. Thos. O. Butler.	Alderman. John Flanigan. Councillors. Geo. Davidson. Chas. Johnston.	Alderman. John Jenkins. Councillors. Wm. Breden. P. C. Murdock.	Alderman. Alex. Campbell. Councillors. Joseph Milner. Sam. Rowlands.	M. Flanagan.
Aldermen. Robert Allen. John Crawford. Councillors. James Chestnut. John Wiley.	Aldermen. James O'Reilly. John Shaw. Councillors. William Allen. Henry Bartliff.	Aldermen. John Flanigan. Isaac Hope. Councillors. Geo. Davidson. James Gardiner.	Aldermen. F. M. Hill. John Jenkins. Councillors. Thos Brownley. Dan. Callaghan.	Aldermen. Alex. Campbell. T. Kirkpatrick. Councillors. Joseph Milner. Sam. Rowlands.	M. Flanagan.
Aldermen. John Counter. John Crawford. Councillors. William Rudston. John Wiley.	Aldermen. James O'Reilly. O. S. Strange. Councillors. William Allen. James Meagher.	Aldermen. Geo. Davidson. John Flanigan. Councillors. James Gardiner. Chas. Johnston.	Aldermen. John Breden. Thos. Briggs, Jr. Councillor. D. Alexander. Thos Brownley.	Aldermen. Henry Sadler. M. W. Strange. Councillors. James Linton. Joseph Milner.	M. Flanagan.
Aldermen. James Armstrong. John Counter. Councillors. William Rudston. John Wiley.	Aldermen. William Allen. James O'Reilly. Councillors. Thos. O. Butler. Peter McDonald.	Aldermen. Geo. Davidson. John Flanigan. Councillors. Chas. Johnston. P. C. Murdock.	Aldermen. John Breden. James Linton. Councillors. D. Alexander. Thos Brownley.	Aldermen. Joseph Milner. M. W. Strange. Councillors. Pat. McGrogan. James Linton.	M. Flanagan.
Aldermen. John R. Dickson. J. Macdonell. Councillors. John Chown. William Rudston.	Aldermen. Hy. J. Martin. O. S. Strange. Councillors. John Robbs. John Shaw.	Aldermen. Geo. Davidson. John Flanigan. Councillors. P. C. Murdock. Robt. McPaul.	Aldermen. John Breden. James Linton. Councillors. D. Alexander. Thos Brownley.	Aldermen. H. W. Benson. E. W. Palmer. Councillors. Pat. McGrogan. James Renton.	M. Flanagan.
Aldermen. John R. Dickson. William Rudston. Councillors. John Chown. James Overend.	Aldermen. John Shaw. O. S. Strange. Councillors. John Dunn. George Robbs.	Aldermen. Geo. Davidson. John Flanigan. Councillors. H. Macdonald. Ed. Wilmot.	Aldermen. John Breden. John Waddell. Councillors. D. Alexander. Thos Brownley.	Aldermen. John Counter. Pat. McGrogan. Councillors. C. W. Cooper. John H. Gaskin.	M. Flanagan.
Aldermen. John R. Dickson. William Rudston. Councillors. John Chown. James Overend.	Aldermen. William Allen. A. J. Macdonell. Councillors. John Dunn. George Robbs.	Aldermen. Geo. Davidson. John Flanigan. Councillors. H. Macdonald. John Elliott. Edw. Wilmot.	Aldermen. William Breden. Thos Brownley. Councillors. D. Alexander. John Loan.	Aldermen. James Linton. Pat. McGrogan. Councillors. William Carter. C. W. Cooper.	M. Flanagan.
Aldermen. John R. Dickson. William Rudston. Councillors. John Chown. James Overend.	Aldermen. William Allen. John Dunn. Councillors. Henry Bowman. William Draper.	Aldermen. Geo. Davidson. John Flanigan. Councillors. Robert Carson. Edw. Wilmot.	Aldermen. Thos Brownley. Bennet Parker. John Waddell. Councillors. D. Alexander. John Loan.	Aldermen. John Breden. Robt. Jackson. Councillors. C. W. Cooper. John B. Rogers.	M. Flanagan.

# Members of the City Council of the

<i>Year.</i>	<i>Mayor.</i>	<i>Sydenham Ward.</i>	<i>Ontario Ward.</i>	<i>St. Lawrence Ward.</i>
1858	John Flanigan.	Aldermen. C. W. De l'Armitage. John Shaw. Councillors. Robt McCammon. Thos. C. Pidgeon.	Aldermen. James Baker. James Harty. Councillors. John Bowes. James Campbell.	Aldermen. John Duff. Edwin Chown. Councillors. George Brown. Patrick Hyland. James Bibby.
1859	O. S. Strange.	Aldermen. J. M. Hamilton. James Linton. Councilmen. Robt McCammon. Michael Doran.	Aldermen. Daniel Macarow. John Bowes. Councilmen. William Brophy. Patrick Hyland.	Aldermen. A. H. Campbell. John Duff. Councilmen. George Brown. Dan. C. Hickey
1860	O. S. Strange.	Aldermen. Robt McCammon. J. M. Hamilton. Councilmen. Thos. C. Pidgeon. Octavius Yates.	Aldermen. John Bowes. Daniel Macarow. Councilmen. Patrick Hyland. William Brophy.	Aldermen. Edward Berry. A. H. Campbell. Councilmen. Jas. Richardson. Arthur Chown.
1861	O. S. Gildersleeve.	Aldermen. Robt McCammon. J. M. Hamilton. Councilmen. Octavius Yates. Thos. C. Pidgeon.	Aldermen. John Bowes. Daniel Macarow. Councilmen. William Brophy. Patrick Hyland.	Aldermen. Edward Berry. Jas. Richardson. Councilmen. Donald McKay. George Brown.
1862	O. S. Gildersleeve.	Aldermen. G. M. Kinghorn. Robt McCammon. Councilmen. Thos. C. Pidgeon. Octavius Yates.	Aldermen. James Baker. Daniel Macarow. Councilmen. William Brophy. Pat. J. Buckley.	Aldermen. George Brown. Donald McKay. Councilmen. Arthur Chown. John Smith.
1863	John Creighton.	Aldermen. G. M. Kinghorn. Robt McCammon. Councilmen. Octavius Yates. Michael Sullivan.	Aldermen. Daniel Macarow. James Baker. Councilmen. William Brophy. William Allen.	Aldermen. George Brown. Donald McKay. Councilmen. John Smith. Thomas Conley.
1864	John Creighton.	Aldermen. Robt McCammon. G. M. Kinghorn. Councilmen. Michael Sullivan. George L. Mowat.	Aldermen. Daniel Macarow. James Baker. Councilmen. William Brophy. William Allen.	Aldermen. George Brown. Donald McKay. Councilmen. Thomas Conley. John Smith.
1865	John Creighton.	Aldermen. C. F. Gildersleeve. G. M. Kinghorn. Councillors. Michael Sullivan. James Falconer.	Aldermen. James Baker. Daniel Macarow. Councilmen. William Allen. William Brophy.	Aldermen. George Brown. Donald McKay. Councilmen. John Smith. Thomas Conley.

Aldermen.  
John Duff.  
Twin Chown.  
Councillors.  
George Brown.  
Trick Hyland.  
James Bibby.  
Aldermen.  
H. Campbell.  
John Duff.  
Councilmen.  
George Brown.  
J. C. Hickey

Aldermen.  
Edward Berry.  
H. Campbell.  
Councilmen.  
Richardson.  
Thur Chown.

Aldermen.  
Edward Berry.  
Richardson.  
Councilmen.  
Ald McKay.  
George Brown.

Aldermen.  
George Brown.  
Ald McKay.  
Councilmen.  
Thur Chown.  
Smith.

Aldermen.  
George Brown.  
Ald McKay.  
Councilmen.  
Smith.  
James Conley.

Aldermen.  
George Brown.  
Ald McKay.  
Councilmen.  
James Conley.  
Smith.

Aldermen.  
George Brown.  
Ald McKay.  
Councilmen.  
Smith.  
James Conley.

City of Kingston since 1850, inclusive.

Cataragui. Ward.	Frontenac Ward.	Rideau Ward.	Victoria Ward.	Clerk.
Aldermen. William Allen. John Dunn. Councillors. Hy. Bowman. Wm. Draper.	Aldermen. Geo. Davidson. John Flanigan. Councillors. Robert Carson. Edw. Wilmot.	Aldermen. John Loan. A. J. O'Loughlin. Councillors. T. L. Snook. Wm. Robinson.	Aldermen. John Breden. Robt. Jackson. Councilmen. Francis Little. John B. Rogers.	M. Flanagan.
Aldermen. William Allen. A. Livingston. Councilmen. Peter Kilduff. Pat. Campbell.	Aldermen. John Flanigan. Edw. Wilmot. Councilmen. Jas. Gardiner. Robert Carson.	Aldermen. T. L. Snook. John Loan. Councilmen. Wm. Robinson. D. Alexander.	Aldermen. W. G. Draper. Jer. Meagher. Councilmen. Jno. Creighton. D. Cunningham.	M. Flanagan.
Aldermen. A. Livingston. William Allen. Councilmen. Francis Weyms. Peter Kilduff.	Aldermen. John Flanigan. Edw. Wilmot. Councilmen. William Fee. Jas. Gardiner.	Aldermen. D. Alexander. John Loan. Councilmen. Wm. Robinson. Bennet Parker.	Aldermen. Jer. Meagher. W. G. Draper. Councilmen. D. Cunningham. Jno. Creighton.	M. Flanagan.
Aldermen. A. Livingston. William Allen. Councilmen. Dennis Kane. C. Livingston.	Aldermen. Edw. Wilmot. John Flanigan. Geo. Davidson. Councilmen. Francis Bartlett. William Fee.	Aldermen. John Loan. D. Alexander. Councilmen. Wm. Robinson. Thomas Flynn.	Aldermen. Jer. Meagher. W. G. Draper. Councilmen. John Noon. Samuel Shaw. J. McKelvey.	M. Flanagan.
Aldermen. William Allen. A. Livingston. Councilmen. Dennis Kane. C. Livingston.	Aldermen. Geo. Davidson. Edw. Wilmot. Councilmen. Patrick Conroy. Francis Weyms.	Aldermen. John Loan. Wm. Robinson. Councilmen. Thomas Flynn. J. McCammon.	Aldermen. Jno. Creighton. Jer. Meagher. Councilmen. Wm. Carter. Jno. McKelvey.	M. Flanagan.
Aldermen. William Allen. Joseph Dillon. Councilmen. Dennis Kane. C. Livingston.	Aldermen. John Shaw. Geo. Davidson. Councilmen. Geo. Newlands. Francis Weyms.	Aldermen. T. L. Snook. Wm. Robinson. Councilmen. J. McCammon. Thomas Flynn.	Aldermen. Jer. Meagher. J. Cunningham. Councilmen. A. M. Brown. Jno. McKelvey.	M. Flanagan.
Aldermen. William Allen. Joseph Dillon. Councilmen. Dennis Kane. W. P. Phillips.	Aldermen. Edw. Wilmot. Geo. Davidson. Councilmen. Francis Weyms. Hugh Cummins.	Aldermen. Wm. Robinson. T. L. Snook. Councilmen. J. McCammon. Thomas Flynn.	Aldermen. Jer. Meagher. J. Cunningham. Councilmen. A. M. Brown. Jno. McKelvey.	M. Flanagan.
Aldermen. William Allen. Joseph Dillon. Councilmen. W. P. Phillips. Dennis Kane.	Aldermen. Geo. Davidson. Edw. Wilmot. Councilmen. C. Livingston. Hugh Cummins.	Aldermen. Wm. Robinson. A. Livingston. Councilmen. Edward White. J. McCammon.	Aldermen. A. M. Brown. Jer. Meagher. J. Cunningham. Councilmen. Robt. Tomkins. Jno. McKelvey.	M. Flanagan.

## Members of the City Council of the

<i>Year.</i>	<i>Mayor.</i>	<i>Sydenham Ward.</i>	<i>Ontario Ward.</i>	<i>St. Lawrence Ward.</i>
1866	John Breden.	Aldermen. C. F. Gildersleeve. G. M. Kinghorn. Councilmen. Michael Sullivan. James Falconer.	Alderman. Daniel Macarow. James Harty. William Brophy. Councilmen. William Allen. Peter McDonald.	Aldermen. P. R. Henderson. George Brown. Councilmen. Edward White. John Smith.
1867	John Breden.	Aldermen. C. F. Gildersleeve. G. M. Kinghorn. Michael Sullivan.	Aldermen. William Brophy. Hy. Cunningham. Barth. Nelligan.	Aldermen. George Brown. P. R. Henderson. Edward White.
1868	John Breden.	C. F. Gildersleeve. G. M. Kinghorn. Michael Sullivan.	William Brophy. Hy. Cunningham. Barth. Nelligan.	George Brown. P. R. Henderson. Edwin Chown.
1869	William Robinson	C. F. Gildersleeve. G. M. Kinghorn. Michael Sullivan.	William Brophy. Hy. Cunningham. James Shaw.	P. R. Henderson. Edwin Chown. S. T. Drennan.
1870	William Robinson	C. F. Gildersleeve. G. M. Kinghorn. Michael Sullivan.	William Brophy. Hy. Cunningham. James Shaw.	Edwin Chown. S. T. Drennan. C. V. Price.
1871	Arch. Livingston.	Michael Sullivan. C. F. Gildersleeve. G. M. Kinghorn.	Hy. Cunningham. William Brophy. James Shaw.	S. T. Drennan. C. V. Price. Edwin Chown.
1872	S. T. Drennan.	Michael Sullivan. C. F. Gildersleeve. G. M. Kinghorn.	Hy. Cunningham. Patrick Harty. William Brophy.	S. T. Drennan. C. V. Price. Edwin Chown.
1873	H. Cunningham.	Michael Sullivan. G. M. Kinghorn. Byron M. Britton. C. F. Gildersleeve.	William Brophy. Patrick Harty. H. Cunningham.	S. T. Drennan. Edwin Chown. C. V. Price.
1874	Michael Sullivan.	Byron M. Britton. W. McRossie. William Powers.	Patrick Harty. William Brophy. William Allen.	Edwin Chown. S. T. Drennan. C. V. Price.
1875	Michael Sullivan.	W. McRossie. William Powers. Byron M. Britton.	William Brophy. Patrick Harty. Leonard Clements	Edwin Chown. S. T. Drennan. C. V. Price.
1876	Byron M. Britton	W. McRossie. William Powers. Augustus Thibodo	C. F. Gildersleeve. Patrick Harty. Leonard Clements	S. T. Drennan. C. V. Price. T. R. Dupuis.

Aldermen.  
R. Henderson.  
George Brown.  
Councilmen.  
Edward White.  
John Smith.

Aldermen.  
George Brown.  
R. Henderson.  
Edward White.

George Brown.  
R. Henderson.  
John Chown.

R. Henderson.  
John Chown.  
Drennan.

John Chown.  
Drennan.  
Price.

Drennan.  
Price.  
John Chown.

Drennan.  
Price.  
John Chown.

Drennan.  
Price.  
John Chown.

John Chown.  
Drennan.  
Price.

John Chown.  
Drennan.  
Price.

John Chown.  
Drennan.  
Price.

Drennan.  
Price.  
Dupuis.

City of Kingston since 1850, inclusive.

Cataragui Ward.	Frontenac Ward.	Rideau Ward.	St. Lawrence Ward.	Clerk.
Aldermen. Francis Tracy. John McMillan. Councilmen. Wm. Draper. Dennis Kane.	Aldermen. Geo. Davidson. Edw. Wilmot. Councilmen. C. Livingston. Hugh Cummins.	Aldermen. Wm. Robinson. A. Livingston. Councilmen. J. McCammon. David Gibson.	Aldermen. A. M. Brown. J. Cunningham. Councilmen. Jno. McKelvey. Robt. Tomkins.	M. Flanagan.
Aldermen. William Allen. John McMillan. Joseph Dillon.	Aldermen. Thos. Robinson. Geo. Davidson. Edw. Wilmot.	Aldermen. Wm. Robinson. A. Livingston. David Gibson.	Aldermen. John Breden. A. M. Brown. Jno. McKelvey.	M. Flanagan.
William Allen. John McMillan. Joseph Dillon.	Thos. Robinson. Geo. Davidson. Edw. Wilmot.	Wm. Robinson. A. Livingston. David Gibson.	John Breden. A. M. Brown. J. Cunningham.	M. Flanagan.
William Allen. John McMillan. Joseph Dillon.	Thos. Robinson. Geo. Davidson. C. Livingston.	Wm. Robinson. A. Livingston. David Gibson.	A. M. Brown. J. Cunningham. Robt. Tomkins.	M. Flanagan.
William Allen. John McMillan. Joseph Dillon.	Thos. Robinson. Geo. Davidson. C. Livingston.	Wm. Robinson. A. Livingston. David Gibson.	Jas. Richardson. Robt. Tomkins. A. McCormick.	M. Flanagan.
William Allen. John McMillan. John Rourke.	Geo. Davidson. C. Livingston. Thos. Robinson.	Wm. Robinson. A. Livingston. David Gibson.	A. McCormick. Robt. Tomkins. Jas. Richardson.	M. Flanagan.
William Allen. John McMillan. John Rourke.	C. Livingston. Arthur Chown. Thos. Robinson.	John McIntyre. David Gibson. Thos. Briggs.	J. G. Macdonald. John McKelvey. Jas. Richardson.	M. Flanagan.
William Allen. John Rourke. Robert White.	C. Livingston. J. Greenfield. J. H. Metcalfe.	W. Robinson. J. McIntyre. R. J. Carson.	J. McKelvey. A. McCormick. J. Richardson.	M. Flanagan.
William Allen. John Rourke. Robert White. S. P. White.	Arthur Chown. J. H. Metcalfe. J. Greenfield. David Gibson.	John McIntyre. R. J. Carson. Edward Law.	J. McKelvey. Jas. Downing. John Mudie.	M. Flanagan.
Isaac Noble. William Allen. S. P. White.	J. H. Metcalfe. David Gibson. Arthur Chown.	W. McCammon. R. Carnovsky. R. J. Carson. John McIntyre.	John Gaskin. John Mudie. Jas. Downing.	M. Flanagan.
William Allen. Isaac Noble. S. P. White.	J. McCammon. E. J. B. Pense. J. H. Metcalfe.	John McIntyre. R. J. Carson. R. Carnovsky.	John Gaskin. J. McKelvey. Geo. J. Tandy.	M. Flanagan.

# Members of the City Council of the

Year.	Mayor.	Sydenham Ward.	Ontario Ward.	St. Lawrence Ward.
1877	John McKelvey.	Aldermen. W. McRossie. C. F. Gildersleeve William Powers.	Aldermen. Leonard Clements Patrick Harty. J. F. McDermott.	Aldermen. T. R. Dupuis. C. V. Price. S. T. Drennan.
1878	John McIntyre.	J. P. Gildersleeve Samuel Woods. W. McRossie.	William Wilson. Leonard Clements Patrick Harty.	C. V. Price. T. R. Dupuis. S. T. Drennan.
1879	C. F. Gildersleeve	W. McRossie. J. P. Gildersleeve William Harty.	J. F. McDermott. William Irving. William Wilson.	Tunis L. Snook. James Redden. S. T. Drennan.
1880	Robert J. Carson.	W. McRossie. J. P. Gildersleeve William Harty.	William Wilson. William Irving. Leonard Clements	T. R. Dupuis. Tunis L. Snook. T. McMahon.
1881	E. J. B. Pense.	E. H. Smythe. T. H. McGuire. J. P. Gildersleeve	William Irving. Leonard Clements William Wilson.	Wm. Robinson. Robert J. Carson. T. McMahon.
1882	John Gaskin.	E. H. Smythe. J. P. Gildersleeve T. H. McGuire.	Leonard Clements William Irving. William Wilson.	Robert J. Carson. James Redden. T. R. Dupuis.

cil of the

City of Kingston since 1850, inclusive.

*St. Lawrence  
Ward.*

Aldermen.  
R. Dupuis.  
V. Price.  
T. Drennan.

V. Price.  
R. Dupuis.  
T. Drennan.

ais L. Snook.  
nes Redden.  
T. Drennan.

R. Dupuis.  
ais L. Snook.  
McMahon.

a. Robinson.  
ert J. Carson.  
McMahon.

ert J. Carson.  
es Redden.  
Dupuis.

*Cataragui  
Ward.*

Aldermen.  
William Allen.  
Isaac Noble.  
Jas. Campbell.

J. D. Thompson  
William Allen.  
W. B. Anglin.

William Allen.  
W. B. Anglin.  
John K. Oliver.

John Maloney.  
William Allen.  
W. B. Anglin.

William Allen.  
W. B. Anglin.  
John Maloney.

W. B. Little.  
Joseph Quigley  
William Allen.

*Frontenac  
Ward.*

Aldermen.  
J. H. Metcalfe.  
E. J. B. Pense.  
J. McCammon.

J. H. Metcalfe.  
E. J. B. Pense.  
J. McCammon.

E. J. B. Pense.  
J. McCammon.  
T. H. McGuire.

E. J. B. Pense.  
J. McCammon.  
T. H. McGuire.

W. D. Gordon.  
Isaac Newlands  
J. McCammon.

W. D. Gordon.  
G. Creeggan.  
J. McCammon.

*Rideau  
Ward.*

Aldermen.  
John McIntyre  
R. J. Carson.  
I. Asselstine.

R. J. Carson.  
I. Asselstine.  
Samuel H. Fee.

John McIntyre  
R. J. Carson.  
Samuel H. Fee.

Edward Law.  
Samuel H. Fee.  
John McIntyre

Edward Law.  
John Carson.  
Robert Gage.

John Carson.  
Edward Law.  
John McIntyre

*Victoria  
Ward.*

Aldermen.  
John Gaskin.  
R. T. Walkem.  
Henry Mooers.

John Gaskin.  
R. T. Walkem.  
Henry Mooers.

John Gaskin.  
J. McKelvey.  
H. A. Mooers.

John Gaskin.  
C. F. Gildersleeve.  
Michael Doran.

John Gaskin.  
C. F. Gildersleeve.  
James Wilson.

C. F. Gildersleeve.  
James Craig.  
Jas. Downing.

*Clerk.*

M. Flanagan.

M. Flanagan.

M. Flanagan.

M. Flanagan.

M. Flanagan.

M. Flanagan.

## OFFICERS OF CITY COUNCIL, 1882.

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CITY CLERK .....	MICHAEL FLANAGAN
Appointed Ass't Town Clerk June 1st, 1843 ; Town Clerk April 14th, 1845 ; and City Clerk June 15th, 1846.	
CITY TREASURER.....	FRANCIS C. IRELAND
Appointed Assistant November, 1872, and City Treasurer, April 7th, 1879.	
CITY SOLICITOR .....	JAMES AGNEW
Appointed June 21st, 1858.	
CITY ENGINEER .....	WILLIAM COVERDALE
Appointed May 10th, 1869.	
CLERK OF MARKET AND HARBOR MASTER.....	ALEXANDER SMYTH
Appointed May 10th, 1869.	
ASSESSOR AND CITY COMMISSIONER.....	WILLIAM S. GORDON
Appointed June 27th, 1881.	
COLLECTOR OF TAXES.....	LEWIS MIDDLETON
Appointed November 3rd, 1879.	
HIGH BAILIFF .....	EDWIN HORSEY
Appointed February 18th, 1882.	
MESSENGER .....	ANDREW LANIGAN
Appointed May 6th, 1861.	

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### FIRE DEPARTMENT.

CHIEF OF FIRE BRIGADE.....	EDWIN HORSEY
Appointed March 26, 1878.	
ASSISTANT .....	PATRICK DEVLIN
Appointed March 6, 1878.	
MECHANICAL ENGINEER.....	RICHARD BURKE
Appointed November 28, 1881.	
CARETAKER OF PARK.....	ALEXANDER McCABE
Appointed 1864.	
AUDITORS (1882).....	FREDERICK J. GEORGE, ADAM McARTHUR

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### LICENSE COMMISSIONERS.

JOHN MCKAY, Jr., Chairman, ; JOHN F. McDERMOTT ; 3rd place vacant by resignation of Mr. JAMES REDDEN.	
LICENSE INSPECTOR.....	WILLIAM GLIDDEN

1882.

HAEL FLANAGAN  
April 14th, 1845 ;

CIS C. IRELAND  
April 7th, 1879.

JAMES AGNEW  
AM COVERDALE

KANDER SMYTH

AM S. GORDON

IS MIDDLETON

EDWIN HORSEY

REW LANIGAN

EDWIN HORSEY

RICK DEYLIN

HARD BURKE

DER McCABE

McARTHUR

e vacant by

AM GLIDDEN

## BOARD OF COMMISSIONERS OF POLICE.

HIS WORSHIP THE MAYOR, Chairman.

C. V. PRICE, County Judge,                      JOHN DUFF, Police Magistrate.  
CLERK OF THE BOARD.....EDWIN HORSEY, Chief Constable.

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POLICE MAGISTRATE.....JOHN DUFF  
CLERK OF THE POLICE COURT.. ..MICHAEL FLANAGAN  
CHIEF CONSTABLE.....EDWIN HORSEY  
SERGEANT-MAJOR.....ROBERT BELL  
SERGEANTS..... } PATRICK NUGENT,  
                                      ROBERT CARSON,  
DETECTIVE.....DENIS SULLIVAN

### POLICE CONSTABLES.

WILLIAM HOYLE,	MATTHEW CAMPBELL,
SAMUEL McCORMACK,	ALEXANDER SNODDEN,
WILLIAM HINDS,	CHARLES THOMPSON,
ROBERT NESBITT,	JAMES NESBITT.

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RULES AND ORDERS  
OF THE  
COMMON COUNCIL OF THE CITY OF KINGSTON.

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*A By-Law to regulate the Proceedings of the Municipal Council of the Corporation of the City of Kingston.*

Passed Monday, February 13, 1882.

Whereas it is expedient to pass a by-law to regulate the proceedings in the Municipal Council of the City of Kingston and Committees of the same; be it resolved by the said Municipal Council that the following Rules and Regulations shall be observed for the order and despatch of business in the said Council and its Committees:

1. That the Council shall meet every alternate Monday in the year, beginning with the first Monday after inauguration, at eight o'clock p.m., unless otherwise ordered by special motion or unless such Monday shall be a public holiday according to law, when the Council shall meet at the same hour on the following evening. The Mayor may at any time summon a special meeting, and it shall be his duty to do so whenever requested in writing by a majority of the members of the Council.

2. That unless there shall be a quorum present in ten minutes after the time appointed for the meeting of Council, the Council shall stand absolutely adjourned until the next day of meeting.

3. As soon after the hour of meeting, as there shall be a quorum present, the Mayor shall take the Chair and call the members to order.

4. In case the Mayor is absent, or should wish to leave the Chair, the Clerk will call the members to order and on a Chairman being chosen, the business shall be proceeded with.

5. The Mayor or Presiding Alderman shall preserve order and decorum; he may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal to the Council, on motion of any Member regularly seconded.

6. The Mayor or Presiding Alderman shall not take part in debate except in committee of the whole. He may however state facts and give his opinion on questions of order.

7. When the Mayor or Presiding Alderman is called upon to decide a point of order or practice, he shall, if requested by any Member of the Council, state the law and rule applicable to the case.

8. Immediately after the Mayor or Presiding Alderman shall have taken his seat at any regular meeting, the Minutes of the preceding meeting or meetings shall be read by the Clerk, in order that any mistake therein may be corrected by the Council, and business proceed in order.

9. Every Member of the Council shall rise when he addresses the Chair, but may read sitting.

10. The Mayor or Presiding Alderman shall propose all questions, in the reverse order in which they are moved, except in naming sums and fixing times, when the largest sum and the longest time shall be put first.

11. After a motion is seconded and submitted by the Mayor or Presiding Alderman, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment with permission of the Council.

12. The Mayor or Presiding Alderman shall consider a motion to adjourn as always in order unless a member has possession of the floor, or any question has been put and not decided; and it shall be decided by the Council without debate. But no second motion to the same effect shall be made until after some intermediate proceeding shall have been had.

13. No question or motion shall be debated or put unless the same be seconded. When a motion is seconded, it shall be stated by the Mayor or Presiding Alderman **BEFORE** debate, and every such motion shall be reduced to writing.

14. When a motion is under debate, no motion shall be received unless—

- |                           |                           |
|---------------------------|---------------------------|
| 1. To amend;              | 4. To postpone it;        |
| 2. To refer to Committee; | 5. For previous question; |
| 3. To lay on the table;   | 6. To adjourn.            |

15. The previous question, until it is decided, shall preclude all amendments and debate of the main question, and shall be in this form: "Shall the main question now be put?"

16. The yeas and nays on any division may be called for by any member.

17. When two or more members happen to rise at the same time, the Mayor or Presiding Alderman shall name the member who is first to speak.

18. When any member is about to speak in debate, or deliver any matter in Council, he shall rise in his place, and respectfully address the Mayor or Presiding Alderman, and shall confine himself to the question under debate, or consideration; he shall strictly avoid all personality, and shall sit down as soon as he is done speaking.

19. Every member who shall be present when a question is put, shall vote thereon, unless the council shall excuse him or unless he be personally interested in the question; provided such interest is resolvable into personal pecuniary profit, and not in common with the interests of the citizens at large, in which case he shall not vote.

20. When the Mayor, or Presiding Alderman, is putting a question, no member shall walk out of the room, nor when a member is speaking, shall any other member hold discourse which may interrupt him; but if any member is speaking or otherwise transgressing the rules of the Council, the Mayor, or Presiding Alderman, shall, or any member, may call him to order, in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the Council, if appealed to, shall decide on the case, but without debate.

21. Any member may of right require the question or motion in discussion to be read for his information at any time during the debate, but not so as to interrupt a member speaking.

22. No member shall speak more than once, (and then not longer than ten minutes unless permitted by the Council,) to the same question except the mover, who will have the right of replying, when all other members choosing to speak shall have spoken, unless the member wishes to explain a material part of his speech, which may have been misconceived or misunderstood, but then he is not to introduce any new matter.

23. When a motion has once been made, and carried in the affirmative or negative, it shall be in order for any member to move for a reconsideration; and if such motion is seconded, it shall be open to debate and be disposed of by the Council, and in case the motion be made at the same meeting, it shall be competent for a majority of the members present to pass a vote of reconsideration; but if it be not made until next meeting, the subject shall not be reconsidered, unless a majority of the whole Council shall vote therefor; but no more than one motion for reconsideration of any vote shall be permitted.

24. Whenever it shall be moved and carried, that the Council shall go into a Committee of the Whole, the Mayor or Presiding Alderman, shall leave the Chair, and appoint a Chairman of the Committee of the Whole, who shall report the proceedings of the Committee. The rules of proceeding in Council shall be observed in Committee of the Whole, so far as they may be applicable, EXCEPT THE RULE LIMITING THE NUMBER OF TIMES OF SPEAKING and the taking of the yeas and nays; but no member shall speak more than once to any question, until every other member choosing to speak shall have spoken.

25. On motion in Committee to rise and report, the question shall be decided without debate.

26. Of the number of members appointed to compose a Committee, such number thereof as shall be equal to a majority of the whole number chosen, shall be a quorum competent to proceed to business.

27. Every member who shall introduce an Act, By-Law, Petition or motion, upon any subject which may be referred to a Select

Committee, shall be one of the Committee without being named by the Council, and shall be Chairman thereof.

28. When an Act, By-Law or Petition is read in the Council the Clerk shall certify the readings and the time on the back thereof. All petitions or other written communications on any subject within the cognizance of any standing committee, shall on presentation be referred by the Mayor or Presiding Alderman to the proper Committee without any motion: unless the Council otherwise decides.

29. Every Act or By-Law shall be read twice before it is committed and engrossed, and read a third time before it is signed by the Mayor. The second reading shall always be in Committee of the Whole and clause by clause.

30. No Act or By-Law brought into the Council, shall have more than one reading on the same day.

31. The following shall be the general order of business at each regular meeting:

1. Unfinished Business.—That is to say business taken up and not finished at the previous regular meeting, and business which was then ready to be taken up, as evidenced by its being given to the Clerk at such previous meeting or immediately after its adjournment.

2. Presenting Reports.

3. Consideration of By-Laws.

4. Reading Communications.

5. Receiving Petitions.

6. Motions.

32. Committees shall be appointed on motion of a member, by consent of a majority of the Council; Committees appointed to report on any subject referred to them by the Council, shall report a statement of facts, and also their opinion thereon in writing; and no report shall be received unless the same be signed by a majority of the Committee. In the absence of the Chairman of any Committee, the Committee shall have power to appoint a Chairman, *pro tempore*.

33. No Committee of the Council shall consist of less than five members, nor more than seven, and no report shall be received

from any Committee unless agreed to in Committee actually assembled for the transaction of business.

34. No meeting of any Committee shall be called upon less than six hours notice.

35. Members of the Council may attend any meetings of the Committees of which they are not members, but shall not exercise the privilege of voting; nor shall they address the Committee except by consent.

36. No Committee shall enter into any contract with or authorize the purchase of any article from any of its members.

37. The Chairman of the Finance Committee shall not audit or approve of any bill or account against the City, for any supplies or services, which shall not have been regularly ordered or authorized by the Council, or a Committee properly authorized.

38. No payments shall be made by the Treasurer (except salaries) on account of the City, unless first passed upon and reported by the Finance Committee to the Council, and sanctioned by the Council.

39. No motion for the expenditure of money shall be in order before the Council until the Finance Committee reports that there are funds on hand for that purpose or arrangements made for the payment of the same.

40. In all votes of the City Council which express anything by way of COMMAND, the form of expression shall be "Ordered," and whenever OPINIONS, PRINCIPLES, FACTS, or PURPOSES are expressed the form shall be "Resolved."

41. No standing Rule or Order of the Council shall be suspended, unless two-thirds of the members present shall consent thereto, nor shall any Rule or Order be repealed or amended, without a week's notice being given of the Motion therefor, nor unless a majority of the whole Council shall concur therein.

42. The Standing Committees of the Council shall be as follows:—

1. On Finance and Accounts.—Seven members.
2. On Streets and Improvements.—Seven members.
3. Court of Revision.—Five members.
4. On Fire, Water and Gas.—Five members.

5. On City Property.—Five members.
6. On the Market.—Five members.
7. On Licenses, Cabs and Carters.—Seven members.
8. On Schools.—Five members.
9. On Wharves and Harbours, Railways and Improvements.—Seven members.
10. The Park.—Five members.
11. On Printing.—Five members.
12. On the House of Industry.—Four members.
13. The Observatory.—Three members.
14. Board of Health, consisting of the Mayor and Aldermen, City Physicians, Ex-Mayors, and such other citizens as the Council may select.

43. The Members of the Council shall not leave their places on adjournment, until the Mayor or Presiding Alderman leaves the Chair.

(Signed.)

M. FLANAGAN,  
City Clerk.

(Signed.)

JOHN GASKIN,  
(L. S.) Mayor.

## BY-LAWS.

### *A By-Law Respecting the Interpretation of the By-Laws of the City of Kingston.*

Passed Monday, January 23, 1882.

Be it enacted by the Municipal Council of the Corporation of the City of Kingston, as follows :

1. This By-law may be cited as "The Interpretation By-law."
2. In the construction of every By-law of the said Council, passed after this By-law takes effect, except in so far as the provisions of this section are inconsistent with the intent and meaning of such By-law, or the interpretation which such provisions would give to any word, expression or clause, is inconsistent with the context, and except in so far as any provision thereof is in any such By-law declared not applicable thereto, and subject to the rule of law in the case,
  - (1.) The law shall be considered as always speaking, and whenever any matter or thing is expressed in the present tense the same is to be applied to the circumstances as they arise so that effect may be given to each By-law, and every part thereof, according to its spirit, true intent and meaning.
  - (2.) The word "shall" shall be construed as imperative, and the word "may" as permissive.
  - (3.) Whenever the word "herein" is used in any section of a By-law, it shall be understood to relate to the whole By-law, and not to that section only.

(4.) The word "person" shall include any body corporate, or politic, or party, and the heirs, executors, administrators, or other legal representatives, of such person, to whom the context can apply according to law.

(5.) The word "month" shall mean a calendar month, and the word "year" a calendar year,

(6.) The word "holiday" shall include Sunday, New Year's Day, Good Friday, Christmas Day, Dominion Day, the Birthday of Her Majesty, and Her Royal successors, and any day appointed by proclamation of the Governor-General, or Lieutenant-Governor, as a public holiday, or for a general fast or thanksgiving, or any day proclaimed by the Mayor as a public holiday under the authority of this Council,

(7.) Words importing the singular number, or the masculine gender only, shall include more persons, parties, or things, of the same kind, than one, and females as well as males, and the converse.

(8.) The word "sureties" shall mean sufficient sureties, and the word security shall mean sufficient security.

(9.) The repeal of any By-law, or part of a By-law, shall not revive any By-law or provisions of law repealed by such By-law, or part of a By-law, or prevent the effect of any saving clause therein, unless otherwise expressly declared, or prevent the application of any such By-law, or part of a By-law, as first in this section is mentioned, to any transaction, matter, or thing, anterior to the repeal of the same, to which it would otherwise apply.

(10.) Where a By-law is repealed wholly, or in part, and other provisions substituted, all officers, persons, bodies politic, or corporate, acting under the old law, shall continue to act as if appointed under the new law, until others are appointed in their stead, and all proceedings taken under the old law shall be taken up and continued under the new law, when not inconsistent therewith, and all penalties and forfeitures may be recovered, and all proceedings had, in relation to matters which have happened before the repeal, in the same manner as if the law were still in force, pursuing the new provisions as far as they can be adapted to the old law.

(11.) No offence committed, and no penalty or forfeiture incur-

red, and no proceeding pending, under any By-law, at any time repealed, shall be affected by the repeal, except that the proceedings shall be conformable where necessary to the repealing By-law, and that where any penalty, forfeiture, or punishment, has been mitigated by any of the provisions of the repealing By-law, such provision shall be extended and applied to any judgment to be pronounced after such repeal.

(12.) That this By-law shall come in force and take effect upon and from its passing.

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*A By-Law to Consolidate and Amend the By-Laws of  
the Corporation of the City of Kingston, and  
to Repeal Certain By-Laws.*

(Passed.) Monday, Nov. 26, 1883

Whereas it is expedient to consolidate and amend certain of the By-laws of the Corporation of the City of Kingston, mentioned in Schedule "A" to this By-law, so far as the same are now in force, and to repeal the said By-laws so consolidated and amended, and certain other of the By-laws of the said Corporation, appearing in the said Schedule.

Be it therefore enacted by the Municipal Council of the Corporation of the City of Kingston, as follows :

1. This By-law may be cited as "The Consolidated By-laws of the City of Kingston."

2. That from and after the passing of this By-law, the By-laws mentioned in the said Schedule "A" to this By-law, and all other By-laws of the Corporation of the City of Kingston, contrary to or inconsistent with this By-law, or the subject matter of which is dealt with in this By-law, be, and the same are hereby repealed. Provided that such repeal shall not have the effect of reviving any

By-laws, or parts of By-laws, which have been repealed by the said now-repealed By-laws, and provided further that everything hitherto lawfully done or effected under or by virtue of the said repealed By-laws, and every liability or penalty accrued or incurred thereunder, shall be valid and binding, and obligatory to all intents and purposes, and may be sustained and enforced in the same manner as if the said By-laws were still unrepealed.

## DIVISION I—OFFICERS.

### TITLE I—CLERK.

3. There shall be a City Clerk.

4. The duties of such Clerk, in addition to those prescribed by law, or by any By-law or resolution of the Council, now or hereafter to be passed, shall be:

(a) To notify each member of the respective Committees appointed by the Council, so soon as the appointment has been made, of the time and place at which the meeting of the Committee will be held.

(b) To furnish the City Treasurer, and the Chairman of each of the Committees, with certified copies of all resolutions, enactments, and orders of the Council, relative to the matters over which such Committees may respectively have jurisdiction, or in which he or they may be named, on the day next succeeding that upon which the action of the Council in respect thereof takes place.

(c) To communicate or convey to the Committees all petitions or other documents referred by the Council.

(d) To have control over all officers employed in his office, subject to such orders as he may from time to time receive from the Mayor or the Council.

(e) To cause a notice of each regular and special meeting of the Council, and of the Committees, to be served on each of the members thereof and upon the Mayor on the day of such meeting being held.

(f) To attend all meetings of the Council, and also of the Committees when required so to do by the Chairman or acting Chairman thereof, and to record the minutes, orders, and reports, of all such meetings in the books provided for the purpose.

(g) To have charge of the City Seal and to attach the same to any document connected with the business of this Corporation, on the order of the Council, or other proper authority, and to the By-laws passed by the Council, and to such other documents as the law requires.

(h) To perform such other duties as may be assigned to him by the Council.

(i) The said Clerk shall be Clerk of the Police Court of the City, and shall faithfully and punctually perform all the duties of that office, keeping and regularly, posting up, and making all necessary entries in a suitable set of books, and shall on the first day of every month make a return in writing to the City Treasurer of all fines, forfeitures and costs received by him during the preceding month, and pay over the same to said Treasurer, as well as make a similar return of the fines and costs remaining uncollected for the preceding month, which returns the said Treasurer shall file in his office.

5. The said Clerk shall keep a register of all By-laws and documents to which he has affixed the City seal with dates of sealing.

6. The said Clerk shall occupy the office in the City Buildings assigned to him by this Council, and shall keep therein safely all public documents, books and papers, which come into his hands as Clerk, and his office hours shall be from ten o'clock A. M. to three o'clock P. M., each lawful day.

7. When the Clerk ceases to hold office he shall deliver up to the Mayor, or acting Mayor, the City Seal and all books, papers, deeds and documents in his office, possession, or control, as such Clerk, or belonging to this Corporation.

8. The remuneration of the said Clerk shall be as is, or may be from time to time, fixed by this Council.

9. The said Clerk shall, when necessary, employ and pay any assistance he may require out of the allowance made to him for that purpose, the person employed to be subject to the approval of the Mayor.

**TITLE 2—TREASURER.**

10. There shall be a City Treasurer.

11. The person appointed to the office of Treasurer of the City of Kingston shall, before he enters upon or executes the duties of said office, and within twenty days after receiving notice of his appointment thereto, execute a Bond to the corporation of the said City, with two or more sufficient sureties, being freeholders of the City to be approved of by the City Council and deposited with the Clerk thereof for safe custody, the said Treasurer in the sum of four thousand dollars, and his sureties in the sum of eight thousand dollars together, with a condition to the said Bond annexed, in the words following, to wit:

“Whereas the above bounden (A B) has lately been appointed to the office of Treasurer of the said City by the City Council thereof.”

“Now the condition of the preceding obligation is such, that if the said (A B) shall and will, in all things whatsoever, which shall and may in any wise relate to his said office, observe, comply with, and adhere to, such laws, orders, and directions, as are now in force, or shall from time to time be devised, passed, or given by the said City Council, or by any Legislature, respecting the said office of Treasurer, or respecting the duties of Treasurer, or the method or form to be observed by the Treasurer, for conducting the business of the said office, and the more orderly stating and keeping of a just, true, and exact account of the receipts and expenditures, and debts and credits, of the said Corporation of the said City, and shall and will from time to time, and at all time during his (A B's) continuance in office, deal with, take care of, and safely keep all monies, promissory notes, bonds, debentures, securities, deeds, mortgages, leases, agreements, and all other documents, registers, and other things, coming into his hands, as such Treasurer, and shall at least once in every six months, and oftener, if he shall be thereunto required by the said City Council, furnish to the said Council, true, just, and regular, accounts of his receipts and expenditures, and also daily, and regularly state the same in such proper books, as shall be provided or directed for that purpose, and also shall and will, when he (the said A B) shall cease to hold the said office of Treasurer, or if the said (A B) shall happen to die

during his continuance in office as aforesaid, then if his executors or administrators shall and will, within thirty days after his decease, to the said City Council, or to such person or persons as shall be appointed for the purpose by any resolution or order of the said City Council, render a just and true account, fairly entered in the books kept by the said Treasurer as aforesaid, of all such receipts and expenditures, and shall well and truly pay or deliver to the said corporation, or to such person, or persons, as shall be appointed for the purpose of receiving the same by the said City Council, all such sum or sums of money as shall be in his or their hands, or which he or they shall, upon such accounts, be in arrear or liable for, to the said Corporation, without any deduction or abatement whatsoever; also deliver, as aforesaid, all deeds, conveyances, leases, mortgages, bonds, obligations, assurances, and all other muniments, books, documents, papers, vouchers, accounts, goods, chattels, and effects belonging to the said corporation of the said City, and which at any time during the continuance in office of the said (A B) shall have come to his hands, or possession, or which in any wise belong or appertain to the said Corporation, or to the said office of Treasurer, and also the Seal of the said City, then the preceding obligation to be void, but if default shall be made in the performance of any of the said matters and things in this condition contained, then the said obligation to remain in full force, effect and virtue."

12. It shall be the duty of the Treasurer to state all accounts (in proper books) between the said corporation of the said City and every person, debtor, or creditor, of the said corporation, and to examine, and audit and liquidate, the claims of all persons against the said corporation, in cases where provision shall have been therefor made by any By-law or Resolution of the said City Council, and in all cases where no such provision shall have been made, or where he cannot liquidate any claim without further provisions, he shall examine and report the same, and the facts concerning it to the City Council, with his opinion thereon, and also to examine, adjust, and settle, the accounts of all persons, indebted to the said corporation, and to pay all monies directed by any By-law or Resolution of the Council to the persons entitled thereto, and to exhibit to the City Council, as soon as the same can be conveniently done, after his appointment, and on the third Monday in January

and July in each year, or oftener if thereunto requested, a complete statement of the Funds and Accounts of the said corporation, and of the annual revenue thereof, and of the amount of the salaries of their officers, and other contingent expenses and appropriations paid, and of all monies received into the Treasury, since the exhibition of the last preceding statement, and from time to time to report any improvements that may be made in the premises, and the most proper and advisable mode of raising such monies as the said corporation may from time to time have occasion for, and to pay out no monies whatsoever except by the direction of the City Council, to be certified to him by the Clerk thereof—provided that he may pay interest on debentures and loans and also debentures and loans and all fixed salaries due—and also, punctually to do and perform all other duties imposed upon him, the said Treasurer, by any City By-law, or resolution of the City Council, or any statute, passed, or to be passed.

13. All deeds, conveyances, leases, mortgages, documents, bonds, obligations, notes, agreements, releases, securities, and assurances for money, given, or belonging, to the said corporation, and all other instruments of writing, relating to any real or personal estate of the said corporation, shall be deposited and kept in the office of the Treasurer, and all monies which shall from time to time become due to the said corporation on the said leases, mortgages, bonds, obligations and assurances for money, shall be paid to the Treasurer, and with all monies received by him as such Treasurer from taxes, or other sources, shall be by him deposited in one of the banks of the said City appointed by the City Council.

14. The Treasurer shall, and he is hereby required to, liquidate from time to time the debts owing by the said corporation out of the funds of the said corporation as the Council order the same to be made, and to render a true and correct account thereof to his aforesaid statement of funds and revenue, distinguishing in such account to whom such debts are owing, whether payable with or without interest, when contracted, on what account, and when payable, and what security, if any, may have been given for the payment thereof.

15. It shall be the duty of the Treasurer to call on all persons who may be indebted to the said corporation for the payment of

the principal and interest of their said debts, as and whenever the same shall become due, and also to call on all persons entrusted with, or who have received any monies belonging to the said corporation, and who shall not have accounted for the same, to collect and settle their accounts, and to report from time to time the names of all persons in default to the City Council, designating in such report the sum or sums due from each defaulter and the particular circumstances relating thereto.

16. The Treasurer shall attend the Auditors during the annual or other audit of the accounts that may be ordered, and shall furnish the Auditors with all books, vouchers, papers, documents, and other information, required by them during their audit.

17. The Treasurer in conducting the business of his office shall observe the following rules :—

(1.) He shall open accounts in the ledger with every person, debtor, or creditor, to the said corporation, by specialty, act of the City Council, or otherwise.

(2.) He shall post the journal of expenditure and receipts at least once in every month of the year.

(3.) He shall post all interest which shall become due, by specialties or otherwise, on debts owing by, or due to, the said corporation, whenever the interest thereon may become due, and also all payments on the same, whenever they shall be made.

(5.) Where payments are made by the said Treasurer by virtue of any By-law or resolution of this Council, the certificate of the Clerk, together with the receipt specifying the sum so paid, shall be considered to be his voucher. But that this provision shall not affect the proviso in Section Eleven.

(6.) He shall deposit in a City Bank as aforesaid all monies which shall come into his hands belonging to the corporation, to its credit in its account to be kept in said Bank in its name, when such monies amount to one hundred dollars or upwards.

18. The Treasurer shall attend the stated meetings of the City Council if required, and any other of its meetings he may be notified to attend, and his office shall be kept open from ten o'clock in the forenoon to three o'clock in the afternoon every day in the week, Sundays and holidays excepted.

19. The Bond of this corporation from the present Treasurer, F. C. Ireland and his sureties is, notwithstanding anything herein contained, confirmed.

20. The Treasurer shall also, at all times, well, faithfully and punctually, do and perform all other acts and duties imposed upon him, or which may be imposed upon him, by any act of the Legislature, or by any By-law or resolution of this Council, passed or to be passed, and conform to all directions of the Council, and its Finance Committee, consistent with law and the By-laws of the city, and also furnish any statements or information which the Council or any Committee of the Council may at any time require of him.

21. The Treasurer shall keep a register of all documents to which he has affixed the City Seal, with dates, and also of all other documents received by him, and shall take and keep a receipt for any such document as may be borrowed from him.

22. The Treasurer shall hold office during the pleasure of the Council.

23. The remuneration of the Treasurer shall be as is, or may be from time to time fixed by this Council.

24. The Treasurer shall when necessary, employ and pay for any clerical assistance he may require out of the allowance made to him for that purpose, the person employed to be subject to the approval of the Mayor.

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#### TITLE 3—SOLICITOR.

25. There shall be a City Solicitor, who shall hold office during the pleasure of this Council.

26. His duties shall be those usually performed by a Solicitor for a client.

27. He shall advise all members, committees and officers of this Council who may consult him as to the affairs of the Municipality.

28. He shall advise the Board of Commissioners of Police.

29. His office shall be in the City Buildings.

30. His office hours shall be from ten o'clock A.M. to four o'clock

P.M., with the interval of one hour from twelve o'clock noon to one o'clock P.M.

31. He shall attend Council and Committee meetings when required to do so.

32. When he ceases to hold office he shall deliver up to the Mayor or acting Mayor all books, papers, deeds and documents in his possession or control as such Solicitor.

33. The remuneration of the City Solicitor, over and above the costs recovered from parties litigating with this corporation, shall be as is, or may from time to time be fixed by this Council.

#### **TITLE 4—ENGINEER.**

34. There shall be a City Engineer who shall hold office during the pleasure of this Council.

35. His office shall be in the City Buildings and his hours of duty shall be, in summer, from 6:45 o'clock A.M. to six o'clock P.M., and in winter from 6:45 o'clock A.M. to five o'clock P.M. on each lawful day, excepting one hour between twelve o'clock noon and one o'clock P.M.

36. He shall be in his office in the City Buildings from eleven o'clock A.M. till twelve o'clock noon each lawful day.

37. He shall perform all duties appropriate to his office, such as hitherto have been performed by such officer, and observe and obey all By-Laws, Resolutions and orders of this Council, or of the Committee of this Council on Streets, Parks and City Property, passed or to be passed, and also all orders of the Chairman of such Committees and Chairmen of Wards casting any duty upon him.

38. He shall especially see that the provision of this By-law relating to streets are strictly observed by all persons and have offenders prosecuted.

39. He shall promptly examine and report upon any disrepair of the streets, sidewalks and crossings, and shall repair any defect in any sidewalk or crossing as soon as the same shall come to his knowledge.

40. He shall carefully prepare all estimates, plans and specifications for work and supplies required and keep duplicates thereof on file in his office.

41. When he ceases to hold office he shall deliver up to the Mayor or acting Mayor all books, papers, maps, plans, documents and instruments in his office, possession or control as such Engineer or belonging to this Corporation.

42. He shall superintend all work being done, whether by contract, or otherwise, and see that it is properly done, and proper materials used.

43. He shall keep the time of the artisans and labourers, in a book, and make fortnightly returns thereof, with the amount of pay each is entitled to, to the City Treasurer, and file duplicates of such returns in his office, and he shall see that no contractor is overpaid at any time, and that the terms of the contract have been complied with before he certifies for payment.

44. He shall prevent all excavation in, or disturbance of, the streets and sidewalks for any purpose and prevent the entry of any public sewer, or drain, without proper authority and the provisions of this By-law applicable to the case having been first complied with.

45. He shall measure all broken stone required for the streets, and see that it is of proper size, and keep an account of the quantity used in each year and on hand.

46. He shall see that all ward and other appropriations for street, sidewalk, and crossing repairs, or the making of streets, sidewalks, and crossings are economically expended and not exceeded.

47. He shall attend meetings of the Council when required, and all meetings of the Committee on Streets, and make all statements, reports, and returns required.

48. When he ceases to be City Engineer he shall deliver up to the Mayor, or acting Mayor, all books, plans, reports, returns, accounts, papers and documents whatsoever in his hands, possession, or office, as such Engineer.

49. The remuneration of the City Engineer shall be as is, or may from time to time be fixed by this Council.

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**TITLE 5—ASSESSOR.**

50. There shall be one Assessor appointed for the Municipality of the City of Kingston, and he shall hold office during the pleasure of this Council.

51. The Assessor of this Municipality, until otherwise provided, shall also act as City Commissioner therefor, but so as not to interfere with the due and proper discharge of his duties as Assessor.

52. Such Assessor shall use and occupy a separate office in the City Buildings, and when he is not out assessing, his office hours each lawful day shall be from ten o'clock A.M., to four o'clock P.M., excepting one hour between twelve o'clock noon and one o'clock P.M. each day.

53. In addition to the Assessment Roll, such Assessor shall keep, and enter up carefully and punctually, and correct from time to time, a set of office books, in the nature of a registry and indexes, of all information, documents, descriptions of property, plans, and data, acquired, or received, by him, in connection with his office of Assessor, and duly and promptly, each day, enter therein, said documents, descriptions, plans, and data, and he shall also keep and carefully enter up and correct from time to time, such other books, registers, indexes, documents, descriptions, data and plans, in connection with his said office, as he may be directed to obtain and keep from time to time by the Mayor, or the Court of Revision of this Council, or this Council, and he shall also make all such entries in said Books, Registers, and Indexes, and keep them in such a form and manner, as the Mayor, or said Court of Revision, or this Council may, from time to time, direct, and he shall also obey, observe and keep, such rules, and regulations, respecting such books, registers, indexes, information, documents, data, and plans, and the keeping thereof, and entries therein, as may be, from time to time, adopted by the said Court of Revision, or this Council, and brought to his notice, and all such books, registers, indexes, documents, plans and data, shall belong to this Corporation, and shall remain permanently in the Assessor's office, and shall be correctly and legibly kept and docketed and indexed.

54. Such Assessor shall, within one week of his appointment, with two sufficient sureties, enter into a bond to this Corporation in the sum of one thousand dollars, such Assessor in Five hundred dollars, and each of his sureties in Two hundred and fifty dollars, for the due performance of his duties, as such Assessor, and of indemnity in case of default by him therein, during the time he shall hold the office of Assessor.

55. Such Assessor shall at all times exercise due diligence, application, and attention, in obtaining and recording, all necessary and useful information, to enable him to make a correct assessment, including the changes in the ownerships of properties, with names, quantity and prices, and also the improvements made thereon, from time to time, and other like information, and he shall obey, observe, and keep, the rules and regulations aforesaid, and all such information shall be treated by such Assessor as confidential, and shall not be communicated to any one, except to the Mayor and to the Court of Revision, and to any City official, to whom the Mayor, or the said Court, may direct it to be communicated, by all of whom it shall be treated as confidential: Provided that any member of this Council may examine the books, documents, and plans in the Assessor's office.

56. Such Assessor, when he ceases to be Assessor, shall deliver up to the Mayor, or acting Mayor, all the said books, registers, indexes, papers, documents, data, information and plans, in his possession, or office, as such Assessor.

57. The salary of the Assessor and Commissioner for his duties as detailed in this By-law, is hereby fixed at the sum of Seven Hundred dollars per annum, payable monthly.

58. Such Assessor shall also duly perform all other duties as prescribed by law to be performed by him.

#### **TITLE 6-CITY COMMISSIONER.**

59. There shall be appointed a competent person, to be called, "The City Commissioner" for the City of Kingston, who shall hold such office during the pleasure of the Council.

60. The said City Commissioner shall be provided with an office in the City Buildings, and shall keep a correct record of all proceedings taken, and accounts and business done by him in con-

nection with the duties of his said office, which shall belong to and remain in the City Commissioner's office.

61. When the said City Commissioner ceases to be City Commissioner, he shall deliver up to the Mayor, or acting Mayor, all books, diaries, papers, and documents, belonging to the office of City Commissioner, or in his office or possession as City Commissioner.

62. It shall be the duty of the said City Commissioner to be in his office at stated portions of each day, that is to say: from ten o'clock A.M. to eleven o'clock A.M., and from three o'clock P.M. to four o'clock P.M., for the purpose of receiving complaints against any breach of any of the By-Laws in section 64 of this By-Law mentioned, and at such times it shall be the right of every citizen to attend upon the said City Commissioner, and lodge complaints in writing of any breach of any of the said By-Laws. Provided that the regular office hours of the said City Commissioner shall be from ten o'clock A.M. to four o'clock P.M. each lawful day, with the exception of the hour between twelve o'clock noon and one o'clock P.M., and during said hours he shall be in his office, or attending to business as said City Commissioner outside in the City.

63. The said City Commissioner shall, upon receiving any complaints under the preceding section, proceed with as little delay as possible to visit and personally inspect the premises, or locality, complained of, and investigate the cause of complaint, and if any infraction of any of the By-laws, mentioned in the 64th section of this By-law, has taken place, he shall then and there direct immediate compliance with its provisions, and in case of non-compliance therewith, he shall forthwith, and without further notice, or with such notice as may be provided in this By-law, prosecute the offender or offenders.

64. It shall be the duty of such officer to be conversant with the provisions of this By-law hereinafter mentioned:—

- (a) Relating to the establishment of a Board of Health.
- (b) Relating to Auctioneers.
- (c) Relating to Billiard and Bagatelle Tables, Bowling Alleys, and Tennis and Racket Courts, and the licensing of the same.
- (d) Relating to Cruelty to Animals.
- (e) Relating to Dogs.

- (f) Relating to Drunkards, Mendicants and Street Beggars.
- (g) Relating to the Prevention and Suppression of Fires.
- (h) Relating to Line Fences and Fence Viewers.
- (i) Relating to Hawkers and Petty Chapmen.
- (j) Relating to the Suppression and Prevention of Nuisances.
- (k) Relating to the Numbering of Houses.
- (m) Relating to Pounds and the Impounding of Cattle.
- (n) Relating to the Keeping of Petroleum, Coal Oil, Benzine, Benzole, Naptha, Paraffine Oil, Gasoleum and other compounds, and derivatives and other explosives.
- (o) Relating to a Powder Magazine.
- (p) Relating to Public Morals.
- (q) Relating to Streets.
- (r) Relating to Sewers and Drains, and the rent for using the same.
- (s) Relating to the Removal of Snow, Ice and Dirt from the roofs of houses and from the sidewalks, streets and alleys.
- (t) Relating to Theatres, Circuses and Shows, and the licensing of the same.
- (u) Relating to Tavern and Shop Licenses.
- (v) Relating to Victualling Houses and other houses of refreshment, and the licensing of the same.
- (w) Relating to Vaccinating Offices.
- (x) Relating to the Erection of Wooden Buildings and the Fire Limits.
- (y) The provisions of this By-law relating to the office of the High Bailiff.

65. The said City Commissioner shall also be an officer under the direction and control of the Health Officers and the Local Board of Health of the City, so far as his services may be required, to preserve the Public Health, under the name of Health Inspector.

66. The said City Commissioner shall be Inspector of Buildings, under the provisions of this By-law relating to Buildings, and the prevention and suppression of fires.

67. The said City Commissioner shall have control of the Pounds, Pound Keepers, and Pound, or Cattle Bailiffs, and it shall be the duty of the said City Commissioner to advise and instruct the said officials in their respective duties.

68. It shall be the duty of the City Commissioner to prosecute, for all and every violation, or infraction, of any of the provisions of this By-law heretofore mentioned and enumerated, or of any amendment thereof, or of any By-law hereafter passed, and to be vigilant and active in the discharge of his duty in this respect.

69. All expenses necessarily incurred by the said City Commissioner, and not otherwise paid, shall be paid out of the funds of the Municipality, saving any recourse there may be against any person or persons therefor.

70. The said City Commissioner shall, on the first Monday of each month, make a monthly return to the Finance Committee, of all expenses incurred in carrying out the duties of his office.

71. Until otherwise provided, the City Assessor shall be also City Commissioner, and shall do the duties of both offices for the Assessor's salary, and without any increase of such salary, and that this shall be a condition of his appointment as Assessor.

72. The Assessor's office in the City Buildings shall be the City Commissioner's office while the Assessor and Commissioner is the same person.

73. The said City Commissioner shall obey the orders of the City Council and of the Mayor, and shall attend the Meetings of the Council, and Committees when required.

74. While the said City Commissioner is engaged making the City Assessment, the High Bailiff of the City shall be acting City Commissioner, without salary, and shall discharge all the duties of the City Commissioner.

75. It shall be the duty of the said City Commissioner to examine carefully, whenever he may be directed by the Mayor, the Police Magistrate, or any Alderman of the said City, all chimneys, fire-places, hearths, ovens, boilers, furnaces, stoves, steam pipes, stove pipes, funnels, flues, and all places where fires are made or kept, or where ashes are kept, and report thereon to the Mayor, Police Magistrate, or any presiding Justice of the Peace, for the said City of Kingston, and under the direction of the said Mayor, Police Magistrate, or Justice, to notify the owner, occupier, or party using the building where such chimney, fire-place, hearth, oven, boiler, furnace, stove, steam pipes, funnels, or other place for keeping, or making fire, or for keeping ashes, may be, if the same be dangerous, to discontinue the use of, or to remove the

same, and also to examine any buildings, or premises, where lumber, gunpowder, coal oil, or other inflammable substances are kept, or where any trade dangerous in causing or promoting fire is carried on, and to enforce the provisions of this By-law as well as those of any By-law that may hereinafter be passed for the prevention of fires, respecting the same.

76. Whenever any building in the said City is, by reason of age or accident, in danger of falling, or being set on, or taking fire, and endangers the surrounding property, or the lives of the citizens, it shall be the duty of the said City Commissioner to notify the owner, agent or other person having charge of such building, to put the same at once in a safe condition, and to guard against such fire, or dangerous accident, and such owner, agent, or person shall forthwith obey such notice, and every person who, for twenty-four hours after the receipt of such notice, neglects to obey the same shall be subject to the penalties of this By-law.

77. It shall be the duty of the said City Commissioner to oversee the erection of all buildings hereafter to be built, enlarged, altered, or re-erected within the City of Kingston, to see that the provisions of this By-law, applicable to the case, are duly observed.

#### **TITLE 7.—COLLECTOR.**

78. There shall be a Collector.

79. The Collector for the Municipality of the City of Kingston shall hold office during the pleasure of this Council.

80. Such Collector shall, within one week of his appointment, and before entering upon the duties of his office, with two good and sufficient sureties, execute a bond to the Corporation of the said City, for the sum of eight thousand dollars, himself in the sum of four thousand dollars, and his two sureties in the sum of two thousand dollars each, with the following recital and condition thereto, that is to say:—

“Whereas the above (A B) has been recently appointed Collector of the Municipality of the City of Kingston, to collect the taxes, rates and assessments for the present year of the said City, and hath been required and hath agreed, in consideration of such appointment, to furnish good and sufficient

sureties to the said Corporation, for the due and faithful performance of his duties as such Collector, and for the due and faithful payment to the City Treasurer of the City of Kingston (or other person duly appointed to receive the same) of all moneys coming into his hands as such Collector, And whereas the said (C D) and (E F) have agreed to become sureties for the said (A B) in this behalf.

"Now the condition of the above obligation is such, that if the said (A B) do and shall, well and truly, without delay, or default, collect the said taxes, rates, and assessments, and pay over and account for the same to the City Treasurer, or person acting as such for the time being, or appointed by the said Corporation to receive the same, and at least daily, so long as he shall hold the said office of Collector, all taxes, rates, and moneys, coming into his hands, or which shall, or may, be collected, or received by him, as such Collector, as aforesaid, and also make and deliver to the said City Treasurer, daily, a statutory declaration, shewing the particulars, names, and amounts, of the collections, and receipts, of said taxes, rates, and assessments, of each preceding day, or that there were none such, as the case may be, and also return the Rolls in manner and within the time limited by law, or as prescribed and required in, or as may be prescribed and required by, any Act of Parliament, or in, or under, any By-law, or resolution, of the Council of the said Corporation, passed, or to be passed, by the said Council, or other law, in anywise relating to his the said (A B's) duties, as such Collector, as aforesaid, or extending the time for the return of the said Rolls, and if the said (A B), do and shall, also, in all and every respect, faithfully and diligently, and when the same ought to be done and performed, do and perform, all and every act, matter, and thing, which, as such Collector, it is, or may be, his duty, by law, to do and perform, and if the said (A B) do indemnify and save harmless the said Corporation at all times, against and from, all damages, losses, and costs, caused by, or arising from, any act, or omission, of his, as such Collector, or in connection with his said office, then the above obligation to be void, otherwise to be and remain in full force, effect and virtue."

81. Such Collector shall, in all things, diligently and faithfully observe and keep the said condition, and duly perform all

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the duties, acts, matters, and things, therein mentioned, as to be performed by him, and also all other duties, acts, matters, and things, lawfully laid upon him to perform at any time.

82. Such Collector shall occupy the office in the City Buildings assigned to him by this Council, and his office hours each lawful day shall be from nine o'clock A.M. to four o'clock P.M., excepting one hour between one and two o'clock P.M. each day.

83. If there be more than one Collector appointed the foregoing provisions shall apply to each Collector.

84. The remuneration of the Collector, or Collectors, and the manner and time of payment shall be as is, or may be, from time to time, by resolution, or By-law, fixed by this Council.

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**TITLE 8—HIGH BAILIFF.**

85. There shall be a High Bailiff.

86. The offices of High Bailiff and Chief Constable of the City shall be held by the same person, and the Chief Constable of the City for the time being shall be High Bailiff of the City so long as he shall hold the office of Chief Constable and no longer.

87. No salary or other emolument shall be attached to the said office of High Bailiff.

88. The High Bailiff shall, in addition to his duties prescribed by law, obey, observe, and co-operate, with the City Commissioner in having obeyed, observed, and carried out, all By-laws, regulations, resolutions, and orders, of the City Council, or of the Board of Health, or other proper authority, and while the City Assessors is engaged in assessing, shall perform the duties of City Commissioner.

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**TITLE 9.—Present Officers and their Salaries and Emoluments Confirmed.**

89. The persons holding the Offices of Assessor, Collector, City Commissioner, High Bailiff, City Clerk, City Treasurer, City Engineer, and City Solicitor respectively, at the time this By-law comes into force, are hereby confirmed in their said respective offices with their present salaries and emoluments.

## DIVISION II.

### TITLE I.—Auctioneers.

90. Every auctioneer or other person selling, or putting up for sale, goods, wares, merchandise, or effects, by public auction within the City of Kingston, shall before it shall be lawful for him so to do, first, take out an obtain from the City Treasurer of the said City, who is hereby authorized to issue the same, a license to act as such auctioneer, and for which license there shall be paid before the issue thereof, by every such person to the said City Treasurer, the sum of forty dollars, and such license shall not be transferable without leave of this Council, and no such license shall be issued to more than one person, or contain the name of more than one person, except as hereinafter provided, and no person or clerk, agent, or employee, except as hereinafter provided, shall be allowed to sell by public auction as aforesaid, for, or in the place or stead of any auctioneer, under or by virtue of such auctioneer's license, and any person, clerk, agent, or employee, so doing shall be deemed to be guilty of a breach of this By-law, and shall be dealt with accordingly.

91. It shall be lawful for licensed auctioneers, subject to the right of the public, on Tuesdays, Thursdays, and Saturdays, between the hours of nine o'clock in the forenoon, and one o'clock in the afternoon, to sell by public auction on the public street, or place in front of their own shops, or auction rooms, subject to the By-Law relating to the public markets where applicable, provided always that the adjoining sidewalk or pavement, is not allowed by them to be at any time obstructed by goods, or persons, (including themselves), and is kept free and clear for the passing and re-passing of the public, and that no more than ten feet of the public street, or place outward from the sidewalk, or pavement, and directly in front of their shops, or auction rooms, be occupied by the goods, or wares they are selling, or which are exposed by them, and not more than three feet farther out by the persons attending the sales, such occupation to be allowed only on the said days named, between the hours aforesaid, and every such auctioneer, before availing himself of the provisions of this By-law, shall, with

two sufficient sureties, enter into a bond in a penalty of four hundred dollars for the observance of the provisions of this By-law, relating to auctioneers, and of indemnity to this Corporation for any loss or damages arising from or in consequence of the exercise of the privileges hereby granted, or of the neglect or default of the said auctioneer in connection therewith or with said provisions.

92. It shall also be lawful for licensed auctioneers, subject as aforesaid, after twelve o'clock, noon, on the before named days, to sell, by public auction, live stock, farm produce, carriages and other wheeled vehicles, sleighs, cutters, trees, shrubs, plants, and flowers in pots, and agricultural implements, in such places, in that part of the market square of market number one, including the cattle market, and the part between the cattle market and King Street, as the clerk of the public markets shall point out, Provided always, that the crossings and sidewalks or pavements shall be at all times kept free from obstructions by goods, articles, and persons, as aforesaid, and clear for the passing and re-passing of the public, And provided also that the market fees on the articles offered for sale shall in all cases be first paid by such auctioneer.

93. Except as provided in the two preceding sections, no auctioneer shall occupy or obstruct any public street, walk, pavement, or place, by goods, wares, or articles, or by drawing together a crowd or number of persons for or to attend a sale or attempted sale.

94. No auctioneer shall, except as hereinbefore provided, sell by public auction any goods, wares, or other articles or things, in any public street or place.

95. It shall be the duty of such auctioneers, without notice or request, immediately to remove from the public streets or places, at two o'clock in the afternoon of the aforesaid days, such goods, articles or wares as they may have placed thereon, and also to pay the market fees on said goods, articles or wares when liable thereto and any such auctioneer neglecting to do either shall be deemed to have committed a breach of this By-law, and shall be dealt with accordingly.

96. Every licensed auctioneer shall exhibit, hung up in a con-

spicuous place in his auction room, his name, business and license, and shall, if requested on the occasion of a sale, produce his license, and in case there is no license, or it is not produced, the sale may be stopped until a license is produced.

97. Licenses may be granted to firms (naming each member), doing business in the same premises, for a license fee of forty dollars, to be increased by a sum of ten dollars for each member of the firm beyond one, and such license, shall expire at the same time as the other licenses, to be issued under this By-Law, and in case of the illness or temporary absence of any licensed auctioneer his clerk or any person (provided such clerk or person has been a resident of the City for one month continuously immediately preceding the occasion) may sell by public auction in his behalf under his license during such illness or absence.

**TITLE 2.—Bagatelle Tables, Billiard Tables, Ball Alleys, Bowling Alleys, Racket or Tennis Courts.**

98. That from and after the passing of this By-Law, no Bagatelle Tables, Billiard Tables, Ball Alleys, Bowling Alleys, Racket or Tennis Courts, shall be kept or used in the said city, unless licensed by the City Council as hereinafter provided.

99. Every person who shall within the City of Kingston, keep or have in his possession, or on his premises, any bagatelle table, or tables for hire, or gain, directly or indirectly, or who shall keep or have any such bagatelle table, or tables, in any house or place of public entertainment, or house or place of public resort, whether such bagatelle table or tables be used or not, before it shall be lawful for him so to do, shall first take out and obtain from the City Treasurer of said City, who is hereby authorized to issue the same, upon payment of the sum hereinafter mentioned, of license money for each table, a license to keep or have such bagatelle table, or tables, as aforesaid, and for every such license there shall be first paid by such person to the said Treasurer, the sum of \$10.00, and for each additional bagatelle table kept on the same premises, the sum of \$5.00.

100. Every person who shall within the City of Kingston, keep or have in his possession, or on his premises, any billiard table, or tables, for hire or gain, directly or indirectly, or who shall keep or

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have any such billiard table or tables, in any house or place of public entertainment, or house or place of public resort, whether such billiard table or tables be used or not, before it shall be lawful for him to do so, shall first take out and obtain from the City Treasurer of the said city, who is hereby authorized to issue the same, upon payment of the sum hereinafter mentioned of license money for each table, a license to keep or have such billiard table or tables as aforesaid, and for every such license there shall be first paid by such person, to the said Treasurer, the sum of \$30.00, and for each additional billiard table kept on the same premises, the sum of \$10.00.

101. Every person setting up or keeping for hire or profit any ball alley, bowling alley, racket or tennis court, within the City of Kingston, shall first take out and obtain a license from the City Treasurer, who is hereby authorized to issue the same, upon payment of the sum hereinafter required to be paid for such license, and the person obtaining the license shall pay to the City Treasurer, at the time of taking out the same, for a license for a bowling alley the sum of \$30.00, and for a license for a ball alley, racket court or tennis court, each the sum of \$10.00.

102. No person shall allow play in a bowling alley or at a billiard table, or bagatelle table, later than twelve o'clock at night, except on Saturday night, and then not later than half past eleven o'clock at night, and any person so offending shall be subject to the penalties authorized by this By-Law, and on conviction (except for the first offence) he shall forfeit his license, if the Magistrate shall think proper.

103. For each day upon which any bagatelle table, billiard table, ball alley, bowling alley, or racket, or tennis court, shall be had and kept for hire, or gain, or profit as aforesaid, whether play has taken place or not, without the proper license therefor, as required by this By-Law, a distinct and separate offence in respect of each such table, alley, and court, shall be deemed to have been committed against this By-Law, and the person guilty thereof shall be dealt with accordingly.

#### **TITLE 3—Hawkers and Petty Chapmen.**

104. Every hawker or petty chapman, and every other person carrying on a petty trade who has not become a permanent resi-

dent householder in the City of Kingston, or who, not being such resident householder, goes from place to place, or to other men's houses, on foot, or with any animal, bearing or drawing any goods, wares or merchandise for sale, or in or with any boat, vessel or other craft, or otherwise, within this city, carrying goods, wares or merchandise for sale, before it shall be lawful for him to exercise any such calling as aforesaid, within this city, shall take out and obtain from the City Treasurer of the said City, who is hereby authorized to issue the same, a license to exercise such calling, and for which license there shall be first paid by such person to the said Treasurer, the several and respective sums hereinafter mentioned, as the case may require, that is to say :

By every such person travelling on foot, the sum of \$20.00.

By every such person travelling with any animal, bearing or drawing any goods, wares or merchandise for sale, the sum of \$30.00.

By every such person trading as aforesaid, in or with any boat, vessel or other craft, not decked, carrying goods, wares, or merchandise for sale, the sum of \$30.00 for each boat or vessel.

By every such person trading, as aforesaid, in or with a decked vessel, carrying goods, wares or merchandise for sale, the sum of \$40.00 for each vessel. And a similar sum by every such person employed or being on any steamer or other decked vessel carrying goods, wares or merchandise for sale, in such steamer or decked vessel.

105. It shall and may be lawful for every policeman, constable or peace officer, to seize and detain any such hawker or petty chapman, or other trading person, as aforesaid, who shall be found trading without a license contrary to this By-law, or who, being found trading, shall refuse or neglect to produce and shew a license according to this By-law after being required to do so, in order to his being taken, and they are hereby required to take, without delay, every such person so seized and detained before the Police Magistrate, or any magistrate of the city having jurisdiction, to be dealt with as hereinafter provided as for a breach of this By-law.

106. No person exercising any of such callings or trades, as aforesaid, shall neglect or refuse to produce his license when required

so to do by the Mayor or any alderman, or justice of the peace having jurisdiction, or by any policeman, constable or peace officer, and if any such person so does, such person shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly.

107. Any person or persons who shall sell, or offer for sale by sample or otherwise, going from shop to shop, or from house to house, in the city, goods then in the city or in transit to the city, and also any person who shall, upon arrival in the city, put up in any yard, shed, or other place, his goods, wares or merchandise, and subsequently offer the same for sale by sample or otherwise, going from shop to shop, or house to house, in the city, for the purpose of selling the same, shall be deemed and treated in all respects as coming under the provisions of this By-law respecting hawkers and petty chapmen, and other persons carrying on petty trades, as aforesaid, and shall require a license such as is required by this By-law to be taken out by a hawker, petty chapman or person carrying on a petty trade, as aforesaid.

108. Provided always, that no such license shall be required for hawking, peddling, or selling from any vehicles or other conveyances, any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf, and any such servant or employee shall produce and exhibit his written authority when required to do so by any municipal or peace officer, and the neglect or refusal to produce and exhibit such authority shall be held to be a breach of this By-law, and shall be dealt with accordingly, but nothing herein contained shall excuse or exempt any person from the payment of any market fee which may be lawfully imposed and collected.

109. It shall not be lawful for any person to offer for sale or carry or hawk about in the streets, or other public places, in any basket, or other receptacle, or thing, any fruit, or other article borne or conveyed by hand, subject to the proviso to the last preceding section of this By-law, except licensed hawkers or petty

chapmen or other licensed petty tradesmen as aforesaid. Provided always that stands, for the sale of fruit by adult persons, may be placed in gateways, areas, and other recesses off the public street, under the direction of the High Bailiff of the city.

**TITLE 4—Intelligence Offices.**

110. Every person setting up, intending to keep, or keeping an intelligence office within the City of Kingston, for the purpose of registering the names and residences of, and giving information to or procuring servants for, employers in want of domestics or labourers, or for registering the names and residences of, and giving information to, or procuring employment for domestics, servants, and other labourers desiring employment, shall, before entering upon such business, take out a license, to be issued by the City Treasurer, who is hereby authorized to issue the same on payment of the license money, for which said license the person obtaining the same shall pay, at the time of obtaining the same, the sum of \$2.00.

111. Every person licensed to keep an intelligence office shall keep a book in which shall be entered, at the time of application, the name and residence of any person who may apply for employment, and the name and residence of any person who may make application to be supplied with male or female domestics, servants, or other labourers, and also any and all sums of money which may be received from any person for any such services, and such book shall at all times be open to the inspection of the City Commissioner or High Bailiff of the city, and of the City Council Committee on Licenses.

112. Every person licensed to keep an intelligence office shall be entitled to receive, at the time of application, the following fees and no more:—From every male applying for place or employment a sum not exceeding 25cts.; from every female applying for place or employment, a sum not exceeding 20cts.; from every person making application for a male domestic, servant, or other labourer, a sum not exceeding 25cts.; from every person making application for a female domestic, servant, or other labourer, a sum not exceeding 20cts.; for which said sums, a receipt shall be given at the time of making application to the person so applying, and in the event of no place or employment being obtained

as applied for, or no domestic servant or other labourer, as applied for within one week from the date of the application, one half the fees so paid shall be refunded on the demand of the person producing the receipt.

113. Every person licensed to keep an intelligence office, who shall directly or indirectly, or through any person or persons, make or use any improper device, deceit, false representation, false pretences, or any imposition whatsoever, for any improper purpose, or for the purpose of obtaining a fee, money, or gratuity or other thing of value from any customer, person or persons, patron or patrons, or who shall be guilty of extortion, or of taking or demanding any article or thing or any fees except those authorized by the preceding section shall be subject to the penalties of this By-Law, as for a breach thereof, and upon conviction for the same shall, except for the first offence, forfeit his license.

#### **TITLE 5—"Junk" Stores or Shops.**

114. Every person opening or keeping a "junk" store or shop in the City, shall first obtain from the City Treasurer a license, and pay him the license fee hereinafter fixed for such license, and the City Treasurer is hereby authorized to issue such license upon receiving the license fee.

115. The said license fee shall be \$30.00.

116. The said license shall be issued upon, and shall have, the following conditions endorsed on the back of the same, that is to say:

(a). The licensee shall keep a suitable book in which he shall enter as they are made, all the purchases made by him, or by any one in his behalf, describing the articles purchased and stating the price paid, and also the name and residence of seller, giving the number and street, which particulars he shall obtain from the seller, and also the date of the purchase.

(b). The licensee, or any one in his behalf, shall not sell any article purchased by him, until two days (not including Sunday), after its purchase during which time he shall keep such article exposed to public view in his store or shop in the front part of the same in a special place or compartment and allow any person to examine the same without charge.

(c). The licensee shall not nor shall any person in his behalf purchase any article from any person who is under fifteen years of age.

(d). The licensee shall not, nor shall any one in his behalf, purchase any article which he thinks or has reason to think, has been stolen, and shall immediately inform the police of the attempt to sell such article to him.

(e). The licensee shall at all times, between seven o'clock A.M. and eight o'clock P.M., on any lawful day or days, permit any detective or policeman to search, without a search warrant, his house, store or shop, for stolen goods or articles, and to examine the book in condition (a) mentioned.

(f). Each licensee shall keep suspended in a public place in his shop or store, so as to be read by persons therein, a copy of the provisions of this By-law, relating to "Junk", stores or shops, such copy to be furnished on application by the City Treasurer.

(g). Upon the breach of any of the above conditions the said licensee shall be deemed guilty of a breach of this By-law, and liable to the penalty in such case provided.

(h). Upon the licensee being convicted of a third breach of the said conditions, his license shall be forfeited, and a breach of any one of the said conditions shall be held 'o be a breach of the said conditions, within the meaning of this condition.

117. The High Bailiff shall, without a warrant as aforesaid, visit or cause to be visited, on every alternate lawful day, each licensed "Junk" store or shop within the hours before mentioned, but nothing in this section contained shall prevent him visiting, or causing to be visited, such stores or shops at other times when he shall deem it necessary or proper to do so.

#### **TITLE 6—Fresh Meat.**

118. Except as hereafter in this section is provided, it shall not be lawful for any person to offer or expose for sale, or sell, fresh meat in this city unless in a shop or place fixed upon and authorized for the purpose by this Council by resolution duly passed which shop or place shall in all cases be a room or compartment in which nothing but fresh or cured meat is exposed for sale or

stored, on the first or ground floor of a house built of such materials as may be authorized in its locality by the provisions of this By-law, relating to fire limits in force at the time, and such room or compartment shall open to the public street, and shall be of the dimensions following, that is to say: it shall be at least nine feet wide with a superficial area of floor of one hundred and forty-four square feet, and at least eight feet six inches from the surface of the floor to the ceiling, and it shall be fitted, drained, arranged and ventilated as hereinafter is specified and required. Provided that nothing in this section contained shall prevent the sale of fresh meat by the quarter, side, or carcase, in the open market No 1, or in the public streets, under the provisions of this By-law, relating to the public markets, or shall in any way apply to the sale of fresh meat in the Shambles in the Market Building, which may be conducted as hitherto, except as to the license and license fee which may be required.

119. This Council shall from time to time, on application to be made by petition to this Council, consider the suitability of any shop or place mentioned in any such application as a shop or place for the sale of fresh meat, and if this Council considers such shop or place satisfactory as a shop or place for the sale of fresh meat, it may by resolution duly passed, fix and authorize such shop or place as a place where fresh meat may be sold under the provisions of this By-law, relating to the sale of fresh meat.

120. Licenses for the sale of fresh meat in less quantities than by the quarter carcase shall be granted annually or oftener, as may be required, to persons applying to this Council for the same, and who have a shop or place suitable for such sale suitably situated in the city, and who produce a certificate from the Clerk of the Market that the shop or place is suitable, and that the provisions of this By-law, relating to the sale of fresh meat, have been fully complied with by the applicant in respect to the said shop or place, its size, fitting up, ventilation, drainage, arrangement and otherwise; and no license shall be granted without such a certificate, nor unless this Council do by resolution fix and authorize such shop or place as a place for the sale of fresh meat, or have already done so; provided that this Council,

may refuse any license applied for, or to fix or authorize any shop or place as a place for the sale of fresh meat, if they are of opinion that the situation or the place is unsuitable for the purpose of exposing for sale or selling fresh meat therein; and provided that there shall be paid for each license a license fee of \$50.00.

121. Said licenses shall be issued annually or oftener, as may be required by the City Treasurer, upon the order of this Council, and upon the payment to him, by the person taking out the license, of a license fee of \$50.00 for each license issued; and no license shall be issued or shall be valid unless the same has been ordered by this Council.

122. Every license shall be issued in connection with a shop or place fixed upon and authorized for the sale of fresh meat by this Council as aforesaid and not otherwise, and shall not apply to or be effective as to any other shop or place whether the latter be so authorized or not, and such license may be transferred by the licensee to another person by leave of this Council on proper application being made, and an entry of such transfer shall be made by the City Treasurer in the license book to be kept by him.

123. It shall not be lawful for any person to expose or offer for sale, or to sell fresh meat, in this city in quantities less than by the quarter carcase without having obtained and holding a valid license, or having had a valid license transferred to him or her by leave of this Council as aforesaid and holding the same; and no person shall expose or offer for sale or sell fresh meat in this city unless in a shop or place fixed upon and authorized for the sale of fresh meat by this Council as aforesaid, excepting always as is provided in the proviso to the 118th section of this By-law.

124. No article, commodity or thing, except fresh meat, or cured meat, shall be offered or exposed for sale, or sold or stored in any shop or place fixed upon and authorized for the sale of fresh meat by this Council, as aforesaid, during the time any license issued in connection with such shop or place shall remain in force and said shop or place is used for the sale of fresh meat thereunder, or while the shop or place is used for the purpose of the sale of fresh meat, or while fresh meat is exposed for sale there-

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in, and any person contravening this section shall be deemed to have committed a breach of this By-law, and shall be dealt with accordingly.

125. The Clerk of the Public Market of this city shall inspect in the day time all shops or places fixed upon and authorized by this Council for the sale of fresh meat as aforesaid, and in which fresh meat is exposed for sale or sold, at least once a week from the first day of April to the first day of October, following, in each year, and at least once a fortnight from the first day of October until the first day of April in each year, and shall report immediately and from time to time to this Council any infringement of the provisions or requirements of this By-law relating to the sale of fresh meat which may have taken place; and it shall be the duty of the Clerk of the Market to see that the said provisions and of any further regulations respecting the sale of fresh meat which may from time to time be made by this Council, be duly observed and carried out and the parties punished who fail to observe or carry out the same according to law.

126. The following conditions and requirements must be complied with by the applicant for a license to sell fresh meat as aforesaid, and by licensees licensed to sell fresh meat, and any breach of or non-compliance with any of the said provisions or requirements shall be deemed to be a breach of this By-law, and the persons offending shall be dealt with accordingly;

*Description of Building in which a room or compartment may be fixed and authorized for the sale therein of Fresh Meats by retail and wholesale, and conditions and requirements to be fulfilled and observed by applicants for licenses and licensees, to sell Fresh Meat.*

First.—The building, of which such room or compartment forms a part, may be constructed of any materials consistent with the provisions of this By-law, relating to fire limits then in force.

Second.—The building, of which such a room or compartment forms a part, must be provided with a thorough system of drainage; said drainage when passing through cellars or basements to be constructed of sealed pipes of metal or tile, and thoroughly trapped at entrance to main sewer, and ventilated at intervals of at least fifteen feet; said ventilation to connect with main flues of building or with independent ventilating shafts extending to at least two feet above highest parts of roof.

Third.—In the case of buildings, in which such a room or compartment forms a part, having basements and having rock foundations, the whole surface of rock must be thoroughly channeled so as to carry off all surface water towards the main sewer. In the case where the foundations are of clay, the whole surface must be graded towards the main sewer and covered with at least three inch . of ordinary concrete. In the case of such buildings having no basement, the spaces below floor level must be filled in with clay or broken stone and finished with concrete as above specified.

Fourth.—The room or compartment in which the Fresh Meats are exposed for sale, must have a superficial area on floor of at least 144 square feet, and a total capacity of at least 1224 cubic feet.

Fifth.—The said rooms or compartments to be thoroughly ventilated by means of flues connecting with main flues of building or independent ventilating shafts as specified in last clause of Section Second. The sectional area of main ventilating flues must be equal to one square inch for each square foot of area on floor.

Sixth.—In the case of the containing walls of said rooms or compartments being formed in plaster, the surfaces shall receive a coat of lime-wash at least once every six months after being thoroughly cleansed from all impurities. In the case of the said walls being formed in wood, the surfaces shall receive one coat of oil paint or varnish at least once every twelve months, after said wood work has been thoroughly painted in the usual manner, and after having been thoroughly cleansed from all impurities. The floors of said rooms or compartments, together with all tables, blocks and shelves or other apparatus, shall be thoroughly cleansed daily, and all impurities thus arising removed from off the premises without delay.

Seventh.—All the foregoing details of construction, drainage, ventilation and cleansing, shall be subject to daily inspection, and the decision of the Inspector (who shall be the clerk of the market) in reference to the interpretation of the foregoing specification shall be final and without reference to any other person.

Eighth.—The dealers occupying such rooms or compartments, shall in all cases carry out the directions of the Inspector as to

the keeping of the same clean and free from offensive smells, and the appliances to be used for the purpose.

127. The City Clerk shall without delay furnish to the City Treasurer a list of all applications for such licenses granted by this Council, with the shops or places with reference to which they were granted, and a similar list of all transfers of licenses allowed by this Council; and he shall at the same time furnish to the Clerk of the Public Market similar lists.

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**TITLE 7—Taverns and Shops.**

128 That from and after the passing of this By-Law, the sum to be paid for a Tavern license in and for the City of Kingston, shall be \$150.00 for each license year, and the sum to be paid for a shop license in and for the said city shall be \$125.00 for each license year as aforesaid, which respective sums shall be in lieu of all other duties, provincial and municipal, and shall be all that is to be paid for such licenses, respectively.

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**TITLE 8—Theatres, Shows &c**

129. It shall not be lawful for any person or persons whomsoever to show or exhibit in the said City any wax work, menageries, circus riding, or other such like shows usually exhibited by showmen, or to open, hold, or keep, any theatre or other place for the purpose of exhibiting any dramatic, theatrical or musical performance, entertainment or concert, regular, comic or burlesque, for hire or profit, or to have or keep any other exhibition or other place of amusement, of whatever kind or nature, for hire or profit, in the said City, without having first obtained and having, a license therefor, to be issued by the City Treasurer of the said City on his receiving an authority in writing from the Mayor, or in his absence from the Chairman of the City Council committee on licenses, to grant the same, and the person to whom the said license shall be granted shall pay to the said Treasurer at the time of obtaining such license the sum due and chargeable therefor as fixed by this By-Law.

130. No indecent or immoral matter or thing whatsoever shall be spoken, sung, represented, pictured, or displayed, in any such Show,

Performance, Entertainment or Exhibition aforesaid, and in case any indecent or immoral matter or thing, shall be spoken, sung, represented, pictured or displayed, in any such Show, Performance, Entertainment, or Exhibition aforesaid, or in case the person who shall or may obtain an order for any license from the Mayor or Chairman as aforesaid, shall make any misrepresentation or mistatement, to the said Mayor or Chairman as to the description of such Show, Performance, Entertainment, or Exhibition, or shall do, permit or suffer, anything in connection with any such Show, Performance, Entertainment or Exhibition, contrary to the true intent and meaning of this By-Law, then and in either of the said cases the person so offending shall be brought before the Police Magistrate of the said City, or any Justice of the Peace having jurisdiction, and shall be dealt with as for a breach of this By-Law, and if the matter complained of is not immediately corrected the license of such convicted person shall be forthwith revoked and annulled.

131. The Mayor or in his absence the Chairman of the City Council committee on Licenses, is hereby empowered to grant an order for such licenses as aforesaid. Provided always that no such license shall be granted for a longer period than thirty days without the consent of the City Council to which in such a case application shall be made.

132. All licenses to open or hold a Theatre, Exhibition, Show, or other place of public amusement as aforesaid, shall contain a condition that no gaming, raffling or lottery, shall be connected therewith or shall be allowed by the person obtaining the license therein or in any way permitted or held out as an inducement to visitors, and that the licensee shall observe the license provisions of this By-Law, on pain of forfeiture of the license and of such other penalties as may be provided in such case.

133. Any person found aiding or assisting in any unlicensed Performance or Entertainment, or at any unlicensed Theatre, Exhibition, Show or other place of public amusement as aforesaid, shall be deemed to be guilty of a breach of this By-Law, and shall be dealt with accordingly.

134. For levying any penalty imposed for an infringement of this By-Law, so far as it applies to exhibitions of Waxworks, Men-

ageries, Circus riding, and other such like Shows usually exhibited by showmen, the goods and chattels belonging to or used in such exhibition, whether owned by such showman or not, may be distrained and sold.

135. No license granted under this By-law shall be in force so as to permit any person so licensed to hold any such exhibition or show as aforesaid, on the days of the Exhibition of the Agricultural Association of Ontario or of any Electoral District or Township Agricultural Society, either on the grounds of such Association or Society, or within the distance of three hundred yards from such grounds.

136. No Circus or Menagerie shall be exhibited in any public street, lane, park or square, in the city, nor in any part of the City south of Queen Street from its intersection with Barrie Street nor east of Barrie Street from its intersection with Queen Street.

137. Amateurs performing in public and not for personal gain shall be exempt from the payment of a license fee.

138. The following sums shall be paid to the City Treasurer by the respective licensees for the licenses for theatres, exhibitions, shows, and entertainments aforesaid, respectively, that is to say:

For every license to exhibit wax figures per day for each day for which the license may be granted .....	\$3 00
For every license for a Menagerie per day for each day for which the license may be granted .....	\$20 00
For every license for an exhibition of jugglery or ledgerdmain, rope dancing, tumbling or such like feats, and for all other such like shows usually exhibited by showmen and not specially mentioned in this Schedule, per day for each day for which the license may be granted .....	\$20 00
For every license for a Circus per day for each day for which the license may be granted, for the first performance, \$50.00, for the second performance.....	\$25 00
For every license for a side show, exhibition or performance, with or accompanying any Circus or Menagerie, per day for each day for which the license may be granted .....	\$5 00

For every license for a Theatre for Dramatic, Theatrical or Musical Performances, continuing open not less than six consecutive days, for each performance.....	\$1 50
For the same continuing open less than six consecutive days, for each performance.....	\$2 00
For any exhibition of Pictures or other works of art, Panoramas, Tableaux, Natural or Artificial Curiosities or other exhibitions of a like nature, and for other shows not before mentioned, per day for each day for which the license shall be granted .....	\$5 00

**TITLE 9.—Transient Traders.**

139. Every transient trader or other person, who occupies premises in the said city, for a temporary period, and whose name has not been duly entered on the Assessment Roll, in respect of income or personal property for the then current year, and who may offer goods or merchandise of any description for sale in the said city, by auction conducted by himself, or by a licensed auctioneer, or otherwise, before it shall be lawful for him to offer any goods or merchandise, for sale as aforesaid, shall obtain a license from the City Treasurer, who is hereby authorized to issue the same, upon payment of the license fee therefor, for which license such trader or other person, shall pay to the said Treasurer, the sum of \$40.00 before obtaining the same, Provided that this section shall not affect, apply to, or restrict, the sale of the stock of an insolvent estate, which is being sold or disposed of within the County in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment, or of the execution of an assignment, And provided also that persons occupying, or using, a room or rooms, in a hotel, tavern, or other house or place, and selling or offering for sale as aforesaid, goods or merchandise therein, and whose names have not been entered on the Assessment Roll, in respect of income or personal property as aforesaid, shall be deemed to be transient traders within the meaning of the foregoing sections of this By-law relating to transient traders, and liable accordingly.

**TITLE 10—Vicuallling Houses.**

140. The Council of the Corporation of the City of Kingston, may from time to time grant licenses to the keepers of victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public.

141. Every person who within the said City of Kingston shall keep a victualling house, ordinary, or house where fruit, oysters, clams or victuals, are sold to be eaten therein, or other place for the reception, refreshment or entertainment, of the public, before it shall be lawful for him to do so shall obtain a license from the City Treasurer who is hereby authorized to issue the same upon payment of the license money.

142. For every such license the person obtaining the same shall pay to the City Treasurer at the time of taking out such license the sum of \$15.00 license fee.

143. The provisions relating to victualling houses in this By-law shall not apply to any licensed Tavern or Saloon or the keepers thereof.

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**TITLE 1—Licenses General Clauses.**

144. Except where by this By-law it is otherwise provided, every person desiring to take out a licensee under this By-law

except a license to sell fresh meat in less quantity than the quarter carcase and except licenses for a period of thirty days or less for Shows, Performances, Entertainments or Exhibitions as aforesaid, shall first present a petition to the City Council Committee on licenses (of which petition the City Clerk shall give notice to the Chairman of the said committee forthwith), which committee shall report to the City Council at its next meeting and such petition shall set forth the name and place of residence of the applicant, the purpose for which a license is desired with the number and street or other description of the premises to be used or occupied in connection with such license and no person so licensed shall transfer such license or shall occupy any other place and carry on the calling or business licensed under such license without having first obtained leave from this Council.

145. Every person obtaining a license under this By-law, shall cause the same or a copy thereof to be hung up in a conspicuous place within the business part of the licensed premises during the whole time the same are so licensed.

146. Every Victualling house, Bowling Alley, or Billiard or other Room containing any Table or Tables as aforesaid, licensed under this By-law, which shall be situate in any house or premises which is licensed as a tavern or shop for the sale of intoxicating liquors, shall be and remain closed from and after the hour of seven o'clock on Saturday evening until the hour of six o'clock on the Monday morning next thereafter and on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, the said houses, alleys and rooms, shall be closed at the hour of half-past eleven o'clock at night and remain closed until the hour of five o'clock on the following morning, and all other Victualling houses, Bowling Alleys and Billiard or other Rooms with Tables as aforesaid, and all Ball Alleys, Racket and Tennis Courts, Theatres, Exhibitions, Shows and places as aforesaid, licensed under this By-law, shall be closed on every Sunday, and shall be closed on every other day from the hour of half past eleven o'clock at night, to the hour of five o'clock on the following morning.

147. No person licensed under this By-law to keep a Victualling house, Intelligence office, Ball Alley, Bowling Alley, Racket or Tennis Court, Bagatelle Table or Billiard Table, shall permit any loose, drunken or disorderly person, or one who keeps or resides in any house of ill-fame, bawdy house, or any prostitute, or thieves associate, to resort to, remain at, or frequent, his house or premises, and no person so licensed as aforesaid, shall allow any person under the age of eighteen years to frequent his place for play, or to witness play, or shall keep, or suffer, or permit to be kept, in his house or premises, any Fare Table, Rouge et noir Table, Roulette Table or any other device or devices for gambling or gaming, or shall suffer or permit any tippling or gambling or gaming of any kind to be carried on therein or thereupon.

148. If any licensee under this By-law, is convicted of a breach of any of the provisions of the license sections of this By-law, relating to his license, or in case of keepers of Bagatelle Tables, Billiard Tables, Ball Alleys, Bowling Alleys, Racket or Tennis Courts,

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or Victualling houses, of any breach of the Liquor Licenses act in the said city, the license of any such licensee may by order of this council, in addition to any other penalty incurred by such licensee under this By-law, or otherwise, be forfeited and declared void and of none effect for the remainder of the current year, and such licensee shall be notified of such forfeiture forthwith after it has taken place and shall thereafter cease to carry on business under such license.

149. All licenses granted under this By-law, unless they are expressed to be granted for a shorter period and unless the same shall become sooner forfeited, shall be for the current year or for the period of it to come at the time of the issuing thereof, and shall expire on the thirty-first day of December next following the date of the issue of the same, and on the first day of January in each succeeding year a new license shall be required and must be paid for and taken out if the business is continued or entered upon in any such succeeding year, and no license shall be for a greater period than one year, and for every license for which an annual license fee is charged (except licenses for the sale of fresh meat,) and which licenses shall be considered annual licenses, issued between the first day of January and the first day of April in any year, the amount to be paid for the same shall be equal to the charge for the full year; for any such license issued subsequent to the first day of April and before the first day of July, the charge shall be equal to three fourths of the full charge for the full year; and for any such license issued subsequent to the first day of July, the charge shall be equal to one half of the full charge for the full year. Provided that no deduction shall be made in the prices of any licenses other than the said annual licenses, And provided further that no abatement shall be allowed or made as to the license fee to be paid for a license for the sale of fresh meat.

150. Every license issued under this By-law shall be issued by the City Treasurer, and shall be made out in duplicate, and one duplicate shall be delivered to the licensee and one duplicate shall be kept in a book by the officer issuing the license, and the City Treasurer shall keep for each year a regular Calendar, or record, under proper headings, of all licenses issued or transferred during each year by him with names, places, descriptions and other full particulars of the same.

151. Every person to whom a license has been granted under this By-law shall produce the same whenever it may be demanded by the Mayor, Police Magistrate, City Commissioner, or any Alderman or Justice of the Peace having jurisdiction, constable or other person, duly authorized.

152. This Council may allow the transfer of licenses from one person to another, or from one house or premises to another house or premises upon the payment of one dollar to the City Treasurer for the use of the City, and the said Treasurer shall forthwith enter such transfer.

153. The City Treasurer shall keep a separate account of all moneys received for licenses and transfers of licenses by him.

154. No person shall exercise any calling, or do anything, or do or carry on any business, or keep any house, room, table, alley, court, place or thing, for which a license is required by this By-law, without having first obtained and paid for, and having, the proper license required to enable him so to do under the provisions of this By-law.

155. No person holding a valid license under the license clauses of this By-law at the time of the passing of this By-law, shall be required to take out a new license for the same business, or calling or thing, until the said license so held by him shall expire.

156. Licenses of the various kinds, issued under this By-law, shall be numbered in yearly series, from one upwards, and a new license issued to replace one that has expired shall bear the number of the latter.

157. Every license issued under this By-law shall contain a proviso that the licensee shall observe and keep the provisions of this By-law relating to licenses on pain of forfeiture of his license, and of being dealt with as for a breach of this By-law.

158. Every license issued under this By-law shall be numbered as aforesaid, and shall contain the name and place of residence of the licensee, the thing or business licensed, the number, street or other description of the premises, place, or locality, to be occupied or used in connection with such license, the period for which such license has been granted, with the price paid therefor, and shall be signed by the Mayor and countersigned by the officer issuing the same, the City Treasurer.

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159. Only licenses granted to the keepers of bagatelle tables, billiard tables, ball alleys, bowling alleys, racket courts, tennis courts, victualling houses, intelligence offices, and to butchers, or sellers of fresh meat, to hawkers or petty chapmen, and to auctioneers, are hereby classed as annual licenses, and such licenses shall end on the thirty-first day of December following their issue, the charges for which may be reduced as aforesaid according to to the time of their issue.

160. Before any license is issued the premises which it is proposed to use or occupy in connection therewith shall be inspected by the City Commissioner who shall report in writing to the Mayor or Chairman of the Committee on Licenses upon the fitness or unfitness of the same: Provided that the clerk of the market shall inspect the premises proposed as places for the sale of fresh meat.

161. Where the delay of having the application disposed of by the City Council would cause loss or much inconvenience the Mayor or said Committee on Licenses may grant the license provisionally subject to the action of the City Council.

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### DIVISION III.

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#### **TITLE I.—Fixing the time for taking the Assessment.**

162. The assessments in and for the city of Kingston, shall be made and taken as follows, that is to say: between the first day of July and the thirtieth day of September in each year; that the rolls shall be returnable to the City Clerk on the first day of October in each year; that the time for closing the Court of Revision shall be the fifteenth day of November in each year; and that the time for final return by the Judge of the County Court shall be the thirty-first day of December in each year; and the periods for taking said assessment and for the revision of the rolls by the Court of Revision and by the County Judge, shall henceforth be

as herein is provided, and not otherwise; and that the assessment to be made and taken under the above provisions, first after the passing of this By-law, shall be adopted as the assessment on which the rates shall be levied for the next year following the year in which the same was made and taken, and the assessment so made and taken in each year following the last mentioned year, shall be the assessment on which the rates shall be levied for the year following the year in which it is so made.

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**TITLE 2.—Respecting the Assessment of Paddocks, Parks, Lawns and Pleasure Grounds.**

163. The ground used as a paddock, park, lawn or pleasure ground, shall be assessed like other ground.

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**DIVISION IV.**

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**TITLE 1.—Cruelty to Animals.**

164. No person shall excessively, cruelly, wantonly or unnecessarily, beat, bind, ill treat, abuse or torture, or otherwise cruelly treat, any horse or other animal, within the limits of the said City, and no person shall urge, by beating or otherwise, any horse or other animal, to draw or carry any load or burden which shall appear to be beyond its ordinary or natural strength, or ability, to draw or carry.

165. No person shall urge, by beating or otherwise, any horse or other animal, beyond its ordinary or natural strength, to draw any heavy load by a sleigh, or other vehicle without wheels, over the bare ground in winter, or at any other time, and it shall be lawful for any member, or officer, of the City Council, or of the Police force, to order any person so offending, to stop immediately and reduce the weight of the load, until it can be easily drawn.

166. No person shall promote, or encourage, or be in any way present at, or aid, or take part in, any match, or exhibition, of a prize or pre-arranged fight, or challenge fight, between men or

women, or of bull-baiting, cock-fighting, or dog-fighting, nor shall any person encourage, or set on, any dogs to fight.

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**TITLE 2.—Dogs.**

167. It shall not be lawful for dogs to run at large in the said City.

168. If any dog running at large in the said City shall run at or attack any person peaceably travelling in any public street, highway or public place in the said City, or the horse upon which any person may be riding, or which any person may be leading or driving in any carriage or other vehicle, and complaint thereof be made to the Police Magistrate of the said City, or other Justice of the Peace having jurisdiction, such Police Magistrate or Justice aforesaid, shall inquire into the complaint, and if satisfied of its truth, and that such dog is dangerous, or in the habit of running after, barking at, or attacking, persons or horses in the streets of the said City, such Police Magistrate or other Justice as aforesaid shall issue an order in writing to the occupier of the house in which such dog is kept to kill, securely chain, confine or remove such dog out of the City immediately on receipt of such order, and if the occupier of the house in which such dog is kept shall neglect or refuse to obey the said order within forty-eight hours after being served therewith, he shall be liable to be fined in the sum of two dollars together with costs, and in a further sum of two dollars with costs for every forty-eight hours thereafter until such dog be killed, securely chained, confined or removed from the said City, and every occupier of a house in which such dog shall be kept shall upon receiving notice for that purpose from the Police Magistrate of the said City or Justice as aforesaid, or Clerk of the Police Court of the said City, before whom any such complaint may be made, produce such dog at the hearing of such complaint in order that the complainant may identify the same, and every occupier of a house or premises in which any dog is kept or suffered to remain for the space of twenty days previous to the assessment of a tax in respect thereof, or previous to any complaint being made against such dog, shall be deemed the owner thereof for all the purposes of this By-law.

169. If the occupier of any house or premises in or about which any Bitch is kept or allowed to remain shall not tie up or confine the same within such house or premises during the whole period such Bitch shall be in heat the said occupier shall upon conviction before the Police Magistrate of the said City or other Justice of the Peace having jurisdiction, forfeit and pay for every such offence a fine of four dollars together with costs, and it shall be lawful for the Chief of Police or any constable or inhabitant of the said City to destroy such Bitch during the period aforesaid if found running at large.

170. It shall be the duty of the occupier of any house or premises, in or about which a dog is kept, to keep in and confine or muzzle the same after any order shall be issued by the Mayor and City Council for the purpose, for the period mentioned in such order, and if the said occupier shall refuse or neglect so to do the day after the publication of such order or notice, he or she shall upon conviction before the Police Magistrate of the said City or other Justice of the Peace having jurisdiction, forfeit and pay for every such offence a fine of four dollars and costs, and it shall be lawful for the High Bailiff or any constable or inhabitant of the said City to kill and destroy any dog running at large during the time ordered by the Mayor and City Council for the same to be kept in, chained or muzzled.

171. Any person who shall fasten, or tie, any kettle, wood, or other article, to the tail of any dog, and turn the same at large therewith, shall forfeit for such offence a fine of four dollars with costs, upon being convicted thereof, before the Police Magistrate, or other Justice of the Peace, as aforesaid.

172. Any person who shall set on, or encourage, any dogs to fight, or aid, or assist in so doing, and the owner of any dog who shall neglect, or refuse, immediately to separate and take away his dog when fighting, upon being requested to do so by the High Bailiff, or any constable, or inhabitant, of the said City, shall forfeit and pay a fine of two dollars and costs, upon being convicted thereof, before the Police Magistrate or other Justice of the Peace, as aforesaid.

173. The occupier of every house, or premises in which any dog

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is kept, shall have a collar with the name of the owner legibly engraved, painted, or written thereon, constantly kept around the neck of every such animal, under the penalty of two dollars and costs, upon conviction before the Police Magistrate, or other Justice of the Peace, as aforesaid, and it shall be lawful for the High Bailiff, or any constable, of the said City, to destroy any dog running at large without such collar, at the expiration of one month next after the passing of this By-law.

174. Any butcher, market gardener, or huckster, frequenting the market of the said City, who shall keep, or harbour any dog in the butchers' shambles, or in any part of the market square, during the hours appointed by this By-law, for the said market to be kept open, shall, for every such offence, forfeit and pay a fine of one dollar and costs, on being convicted thereof before the Police Magistrate of the said City or other Justice, as aforesaid, and the clerk of the market and High Bailiff of the said City, are hereby required to give notice to the clerk of the City Council of the said City, of all persons offending against the provisions of this By-law.

175. The owner, or possessor, of any dog found running at large or without a collar such as is required in and by section 173 of this By-law, shall be deemed to be guilty of a breach of this By-law, for every day his dog is so found, and liable accordingly.

## DIVISION V.

### TITLE I.—Fire Department and the Suppression of Fires.

176. The Fire Department of the City of Kingston, shall consist and be composed of one Chief Engineer, one First Assistant Engineer, one Second Assistant Engineer, a Mechanical Engineer and Caretaker, and a Foreman, and of not less than twelve men nor more than twenty-five men inclusive of officers except the Chief and Assistant Engineers: Provided always, that it shall be competent for the Council, by resolution, at any time to increase the number of men or officers, or to decrease the same in their discretion.

ENGINEERS.

177. The Chief Engineer and Assistant Engineers and the Mechanical Engineer and Caretaker shall be appointed by the Council and shall hold office during the pleasure of the Council: Provided that the Engineers now in office shall remain and continue therein during the pleasure of the Council, and their successors shall be appointed as aforesaid.

178. The Chief and Assistant Engineers and Mechanical Engineer and Caretaker shall be a board of which the Chief Engineer shall be Chairman to make rules and orders for the Government of the Department not inconsistent with or contradictory to this By-law and subject to the approval of the Council Committee on Fire, Water and Gas, and also of the Council.

179. The Chief Engineer, or in his absence the Assistant Engineers, shall be responsible for the discipline, good order and conduct of the whole Fire Department, and it shall be their duty respectively to see that the provisions of this By-law respecting the duties of the members of the Department and the care of the engines, hose carriages, hose and other apparatus and furniture belonging thereto be carefully and strictly carried out, and the Chief Engineer or person acting in that capacity or in lieu of him, shall have chief control and superintendence under the Committee on Fire, Water and Gas, and under the provisions of this By-law, of the same, and of all engines and other apparatus used by and for the purposes of the Department and of all furniture and apparatus belonging thereto.

180. The Chief Engineer on fire duty shall have supreme control and command of the Fire Department, and shall be assisted in his duties by the First and Second Assistant Engineers who shall, when on duty, keep in communication with him, transmit his orders, see that they are properly obeyed, and shall themselves give no orders but his, except in his absence from duty.

181. In the absence of the Chief Engineer the First Assistant Engineer shall discharge the duties of the Chief Engineer and in the absence of the First Assistant Engineer such duties shall be discharged by the Second Assistant Engineer and the person performing such duties shall be acting Chief Engineer for the time being and shall have all the powers pertaining to the office of Chief Engineer while acting as such.

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182. The Chief Engineer, assisted by the Assistant Engineers shall at least once, and not more than twice in each year, muster the whole Department at such place in the City and on such day and days as the Chief Engineer shall appoint (of which muster the members of the Department shall receive from the Chief Engineer at least one week's notice), and it shall be the duty of the Mayor and the Committee on Fire, Water and Gas to attend such musters, of which they shall be duly notified by the Chief Engineer at least two days before they take place, and on such occasions the Department shall be reviewed and exercised with their engines, hooks and ladders, hook and ladder carriages, hose and hose carriages and all their other fire apparatus.

183. At every such muster a list of the men and officers present shall be taken by the Chief or acting Chief Engineer, or one of the Assistant Engineers, and those absent without leave shall be immediately reported to the Committee on Fire, Water and Gas as aforesaid, and upon enquiry, such of them as were absent without a sufficient reason satisfactory to the said Committee, shall be dealt with by the said committee, who shall reprimand, suspend or dismiss, as they deem proper, and such persons so offending shall also be deemed to have been guilty of a breach of this By-law and liable to the penalties mentioned and provided in such case.

184. As soon as may be after such muster, the Chief Engineer shall transmit to the City Clerk, a copy of such list, and also a list of the absentees with leave, with his report, to be laid before the Committee on Fire, Water and Gas; he shall also at the same time transmit to the City Clerk to be also laid before the said Committee a written report of the numbers and state of efficiency of the Department and the state of the engines, hooks and ladders, carriages, hose and apparatus of the Department, in which report he shall state such repairs and other matters which may be required and which he may think needful.

185. The Chief Engineer, or one of the Assistant Engineers, shall attend the monthly meeting of the Department to give such advice or information as may be required of him, or which he may think proper to give, but the Engineer so attending shall not vote upon any of the proceedings.

186. The Chief Engineer and the Assistant Engineers shall promptly attend all fires where the Chief or acting Chief Engineer shall place himself in a conspicuous position, so that those whose duty it may be to communicate with him, and those desirous of doing so, may readily find him, and the Assistant Engineers shall place themselves under his orders and at his disposal to assist him in the discharge of his duties, and carry his orders and directions to the Firemen and others engaged at the fire, and otherwise obey all his lawful commands.

187. It shall be the duty of the Assistant Engineers to report to the Chief Engineer who shall also himself take notice of and report in writing to the Committee on Fire, Water and Gas any act of disobedience, insubordination, or irregularity, committed by any member of the Department, and the name and rank of the offender, and if the charge preferred be found by the said Committee upon investigating the same, to be well founded, it shall be lawful for the said Committee to reprimand, suspend, or dismiss the offender or otherwise lawfully deal with him as to the Committee shall seem meet, and any member so offending shall be deemed guilty of a breach of this By-law and subject to the penalties in such case provided.

188. The Chief, or acting Chief Engineer, shall have power to suspend any man of unsteady, disorderly or intemperate habits, or incompetent to discharge his duty while on duty, reporting such suspension forthwith to the Committee on Fire, Water, and Gas aforesaid.

189. The Chief and Assistant Engineers shall in every case of fire take all proper measures for extinguishing the same and for the preservation of life and property thereat, and the said Chief Engineer, or in his absence the Assistant Engineers, or either of them, or in their absence the Foreman, with the consent of the Mayor, or in his absence, of the Committee on Fire, Water, and Gas, or any three members thereof, one of whom shall be the Chairman, or in the absence of these, with the consent of any three members of the Council, may cause to be pulled down, demolished, blown up or removed, all buildings, erections or fences, which he or they shall deem necessary to so deal with in order to arrest the progress of any fire and prevent its extending.

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190. It shall further be the duty of the Chief Engineer to examine monthly, or oftener if necessary, or if directed so to do, into the condition of the engines, hose and all other apparatus pertaining to the Fire Department, and the houses or stations wherein the same are kept, and to report in writing on the state of the same to the Committee on Fire, Water and Gas immediately after each monthly examination, or oftener if necessary or required to do so.

(a.) Also to see that the fire engines and all apparatus belonging to the Fire Department are kept in good order and efficient repair, so as to be serviceable at any moment.

(b.) Also to report in writing to the Council on the first day of November in each year all fires that have taken place within the City during the preceding year, with the causes thereof as well as can be ascertained, the number and description of the buildings and amount of property destroyed, the number and description of buildings, or other erections, which may have been pulled down, blown up or demolished, to prevent the fire extending, with the names of the owners and occupants of such buildings, and if any lives have been lost, the name or names of the deceased, and the cause of death.

(c.) Also to keep correct rolls of the Department, the time of admission of the members, their names, ages, residence and profession, and the time of their suspension, restoration, dismissal, or discharge, with a memorandum of the offence or cause thereof.

(d.) Also to attend all drills, musters, reviews and meetings of the Department for parade or exercise.

(e.) Also to enforce all rules and regulations made for the good order and discipline of the Department, and the provisions of this By-law relating to the Department and the suppression of fires.

(f.) Also to report in writing to the Committee on Fire, Water and Gas, the absence of the Assistant Engineers or of the Mechanical Engineer from fires or their other duties with the reasons therefor if any be known to him.

(g.) Also to report in writing to the Committee on Fire, Water and Gas his own absence from fires or his other duties, and the reasons therefor, Provided that the Committee on Fire, Water, and Gas

may grant leave of absence to the Chief Engineer or either of the Assistant Engineers, or to the Mechanical Engineer, providing a suitable substitute for the latter at his expense.

(h.) Also to receive and transmit to the City Clerk all returns of officers and members as required by this By-law, and all communications relating to the Fire Department, all which the City Clerk shall at its first meeting after receiving the same lay before the Committee on Fire, Water, and Gas.

(i.) Also to see that the officers and men of the Department discharge their respective duties properly.

(j.) Also to examine and certify if correct the accounts of any person or persons for having repaired or kept in repair the engines or other apparatus, for having supplied fuel to the Department, for having supplied new apparatus, for ringing alarm bells, and such other accounts and services connected with the Fire Department as he may be required to certify by this By-law, or which may be rendered against or to the said Department, or may be referred to him by the Committee on Fire Water, and Gas.

191. The Chief Engineer, except when he is also Chief Constable, shall receive a yearly salary, to be fixed by the Council, payable quarterly on the first day of the months of February May, August, and November in each year, and out of which the sum of \$5 shall be deducted for each time he may be absent from a muster or fire, to be paid to the Assistant Engineer, who shall have been acting Chief Engineer on the occasion, and that the First Assistant Engineer shall receive a yearly salary to be fixed and payable as aforesaid, and subject to a like reduction of \$3 for absence as aforesaid.

192. The Chief Engineer and the Assistant and Mechanical Engineers shall wear a distinguishing uniform and badges to be chosen by themselves, subject to the approval of the Committee on Fire, Water and Gas, and they shall always when on duty appear in such uniforms, which uniforms and badges they shall provide at their own expense: Provided that they may have a working uniform also at their own expense.

#### FIREMEN.

193. The members of the Department shall meet at the Fire

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Hall on the first Wednesday of each month at eight o'clock p.m., the Chief Engineer, or in his absence, one of the Assistant Engineers presiding.

194. All the subordinate officers of the Department below the Assistant Engineers and the Mechanical Engineer and Caretaker except as hereinafter provided, shall be appointed by the City Council on the recommendation of the said Committee on Fire, Water and Gas, and shall hold office during the pleasure of this Council.

195. No person shall be eligible to be appointed to any office in the Department who has been guilty of an infraction of any of the sections in this By-law relating to firemen and the suppression of fires, nor until after he shall have continued a member of the Department for one year continuously without having a charge proved against him under any of the said sections of this By-law.

196. No person shall be a member of the Department who is under eighteen or over fifty-five years of age, or remain a member after the latter age.

197. No member of the Department shall be eligible to be elected to or hold office under the age of twenty-one years.

198. Every member and officer of the Department shall be a *bona fide* resident of the City of Kingston.

199. No person under the age of twenty-one years shall be admitted into the Department as a member without the written consent of his parent, guardian or master.

200. No member of the Department shall become intoxicated or make use of any profane swearing, obscene, blasphemous, indecent, or grossly insulting, language, while on duty or at any muster.

201. No member of the Department while on duty or at any muster shall enter any saloon or tavern for the purpose of drinking or to loiter therein.

202. The members of the Department except the Engineers shall decide upon and adopt a uniform which shall be worn on all occasions of musters, parades and reviews, which uniform shall be provided at their own expense, Provided that they may have a uniform for duty and one for other occasions if they so decide at their own expense.

203. The officers and members of the Department shall upon the alarm of fire repair immediately to their rendezvous, which shall be the fire alarm box whence the alarm came, with all dispatch.

204. They shall not, on going or returning from any fire, go along or upon any sidewalk with an engine or fire apparatus except to cross the same, nor shall they continue on any crossing or sidewalk any longer than the time necessary to cross the same, except when ordered to do so at any fire by the Chief, or acting Chief Engineer.

205. They shall avoid all collisions and shall avoid running against or injuring any person, and on arriving at the fire they shall take up the position assigned to them by the Chief Engineer or person acting for him, whose orders whether given by himself or his Assistants they shall implicitly obey on pain of the penalties herein provided in case of disobedience, insubordination or irregularity.

206. They shall exert themselves diligently in the discharge of their duty at the fire; they shall not cease work until permitted by the Chief or acting Chief Engineer; they shall when permitted re-form and march back to the Fire Hall with the engines and apparatus in an orderly and regular manner not faster than a walk and without loitering or delay or noise.

207. The Council may on petition of the Department permit it to proceed on an excursion in uniform with the engine or other fire apparatus beyond the limits of the City for a stated time, and without such permission it shall not be lawful to do so, and the Department when it so proceeds must be under the command of and accompanied by the Chief Engineer or one of the Assistant Engineers, and shall return by the time stated: Provided that nothing herein contained shall be held to prevent the Department from proceeding on an excursion in uniform without the engine and other fire apparatus.

208. The members of the Department shall not in uniform or with their engine or other fire apparatus take part in any procession except the funeral of a member without the permission of the Committee on Fire, Water and Gas or of the Council.

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209. The Committee on Fire, Water, and Gas may from time to time pass regulations, not contrary to law, or to this or any other By-law of the City, for the governance of the Department, subject to the approval of the City Council.

210. All officers and men upon ceasing to belong to the Fire Department shall restore all apparatus, implements and badges with which they have been entrusted, not being their own property, to the Chief Engineer or person entitled to receive the same, and any person failing to do so shall be deemed guilty of an infraction of this By-law and liable to the penalties herein contained: Provided that the punishment of such person or persons under this By-law shall not interfere with any civil remedy the Corporation may have in the premises.

211. Each person before being admitted a member of the Department shall make and sign the following declaration, namely:

"I, \_\_\_\_\_ of No. \_\_\_\_\_ Street, \_\_\_\_\_ Ward, in the City of Kingston, do hereby declare that I am of the age of \_\_\_\_\_ years, that I desire to be admitted and become a member of the Fire Department of the City of Kingston, and I hereby promise and declare that I will to the best of my ability, observe, perform, conform to, fulfil and keep, the provisions of the clauses of the Consolidated By-laws of the City of Kingston relating to the Fire Department and the suppression of fires, and of the rules and regulations of the said Department from time to time in force, and of all By-laws of the said City and rules and regulations of the Committee on Fire, Water and Gas, which may be hereafter enacted and made, binding, on or affecting me or my conduct or duty as a member of said Department under and subject to the penalties and disabilities contained or imposed in and by the said By-laws, or which may be contained or imposed in and by any By-law or By-laws which may hereafter be passed as aforesaid.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_ (A.B.)  
(C.D.) Secretary.

212. The members of the Department shall obey all lawful commands of their superior officers, and failing to do so shall be subject to the penalties herein contained as to acts of disobedience or insubordination.

213. The sum of six hundred dollars shall be paid annually in equal monthly payments on the first day of each month in each year by the City Treasurer to the Treasurer of the Fire Department for the use of the members of the Department receiving no salary, and it shall be equally distributed between them, subject to the provisions of this By-law relating to the Fire Department and the Suppression of fires.

SECRETARY AND TREASURER.

214. Two of the ordinary members of the Department shall be appointed to the offices of Secretary and Treasurer of the Department, respectively, by the City Council, on the recommendation of the said Committee on Fire, Water, and Gas, founded upon their nomination by a majority of the officers and members of the Department.

215. The Secretary of the Department shall keep a minute book in which the proceedings of the Department shall be entered, and he shall also keep a book to be called the "Department Roll," in which shall be entered the name of each officer and member, age, time of admission, and appointment, ward and street of residence, any change that may take place therein, profession, suspension, restoration, and dismissal, reason for, and time of discharge or leaving, and shall furnish a copy of said "Department Roll" to the City Clerk in the months of March and September in each year certified by himself and the Chief Engineer.

216. The said Secretary shall furnish to the Chief Engineer a Roll of the Department taken from the said book and containing the particulars in the last section mentioned in the months of March and September in each year, certified by himself.

217. The said Secretary shall at every turn out and muster make a list of the members absent, and on the return of the Department from a fire the Roll shall be called and a list of those members who have been absent from the fire, or when the roll is called, shall be then made by the Secretary who shall forthwith forward to the Chief Engineer a list of such absentees, retaining a copy thereof, and the said persons if absent without leave shall be dealt with as provided in this By-law for disobedience or absence without leave, and shall be subject to the disabilities in such case

provided, and a report thereof in writing shall be transmitted by the Chief Engineer to the City Clerk who shall lay the same before the Committee on Fire, Water and Gas, who shall deal with the persons in default as aforesaid, and persons absent without leave, or a sufficient reason satisfactory to the said Committee, shall be deemed to have been guilty of an infraction of this By-law and liable to the penalties in such case provided.

218. The Treasurer of the Department shall before entering on the duties of his office execute a bond to the City Corporation with two sufficient sureties, himself in the sum of one thousand dollars and his sureties in the sum of five hundred dollars each, for the due accounting to the Department for all monies received by him under the authority of this By-law.

219. The said Treasurer shall hold all monies received by him for the Department, subject to the orders of the Department, and disburse the same as directed by resolution of the members thereof.

220. The said Treasurer shall keep a book in which he shall enter the monies received by him for the Department, and the disbursements made by him for the Department.

221. The said Treasurer shall half yearly in the months of January and July in each year send a report of receipts and disbursements with the sources and purposes to the City Clerk, who shall lay the same before the Committee on Fire, Water and Gas, such report to be countersigned by the Chief Engineer.

222. The books kept by the said Secretary and Treasurer may at any time be examined by the Chief or Assistant Engineers or any member of the Department, and also by the Committee on Fire, Water and Gas, or the Chairman or any member thereof, or any member of the City Council.

223. The monies received by the Treasurer of the Department shall be by him deposited in one of the Chartered Banks of the City, and he shall procure a bank book, and all payments shall be by cheques signed by the Chief Engineer and countersigned by the said Treasurer, and no payments shall be made unless first ordered by a regularly constituted meeting of the Executive Committee, which Committee shall be comprised of the Chief Engin-

cer, who shall be Chairman, and the Assistant Engineers, the Mechanical Engineer, the Foreman, the Secretary, and the Treasurer who shall be Secretary to the Executive Committee.

MECHANICAL ENGINEER AND CARETAKER.

224. The Council shall appoint a fit and proper person to take care of all engines and fire apparatus belonging to the Fire Department, and such person shall hold office during the pleasure of the Council, and shall be the Mechanical Engineer and Caretaker of the Department.

225. He shall be a competent, practical steam engineer and mechanic, having a practical knowledge of steam engines, steam fire engines and machines, and equal to the discharge of the duties required to be performed by him, which shall be as follows:

(a.) He must be capable of taking charge of and operating a steam fire engine and the fire alarm telegraph.

(b.) He shall after every fire examine and clean, oil and pack the engines when necessary, clean and oil the hose and see that it is properly thawed out and dried, examine all engines, hose, hose-carts, hooks and ladders and other fire apparatus, see that all are in a state of efficiency and repair at all times, and guard against the same being frozen or otherwise unfit for service, report in writing to the Chief Engineer any loss, damage or injury to the same, and necessary repairs, superintend all repairs and cause the same to be done properly, certify the same to the Chief Engineer when done, cause the engines and other apparatus to be restored to their usual place of deposit as soon as possible after being repaired, and report in writing to the Chief Engineer once every month the state of the engines and other fire apparatus under his care.

(c.) He shall inspect monthly, or oftener if necessary, all hydrants or fire-plugs in the City, and report in writing after each inspection the condition thereof to the Chief Engineer.

(d.) He shall attend all fires and general musters of the Department, and on all occasions when the engines and other fire apparatus are to be taken out or used.

(e.) He shall be under the control of the Chief Engineer or

person acting in that capacity, and shall obey all his lawful commands and directions, and assist on all occasions to the best of his ability.

(7.) After every fire or muster he shall see that the engines and other apparatus have been returned to their usual places of deposit, and that the hose has been properly washed as soon after as possible.

226. If absent from any fire or muster without leave or a reasonable excuse, satisfactory to the Chief Engineer, the latter officer shall report him to the Committee on Fire, Water and Gas, who shall deal with him as to them may seem meet, not contrary to law or to this By-law, subject to an appeal to the City Council, to which Council the said Committee shall report its findings, and the said engineer may have deducted from his salary \$3.00 for each absence without leave or reasonable excuse.

227. He shall be assisted by a Stoker properly qualified to be appointed by the City Council, and said Stoker shall assist him in all his duties to the best of his ability.

228. The Mechanical Engineer shall receive an annual salary payable monthly on the first day of each month.

229. The said Stoker shall receive an annual salary payable monthly on the first day of each month, and the said Stoker shall be taught by the Mechanical Engineer to operate a steam fire engine besides his other duties.

#### ENGINES AND OTHER FIRE APPARATUS.

230. The engines, hooks and ladders, carriages, hose, hose carts, and other fire apparatus, shall be kept where the same are now kept, or in places assigned for the same by the Council or the Committee on Fire, Water and Gas.

231. No engine or other fire apparatus shall be taken out for practice, or drill, or other purpose except on the alarm of fire, or in any case beyond the limits of the City without the leave of the said Committee on Fire, Water and Gas, or of the City Council, nor shall any engine or other fire apparatus be used for any private use or purpose whatever, and all persons authorizing or permitting such use or causing the same in this manner shall be deemed guilty of an infraction of this By-law and be liable to the penalties in such case provided.

232. The Chief Engineer shall keep an account of the quantity of hose and other articles of fire apparatus, and when delivered and in what order, and whether new or old when delivered, a copy of which account he shall furnish quarterly to the City Clerk, and he shall also take a receipt from the Caretaker for the same, expressing these particulars, and any injury to the said engines, hose or carts, hooks and ladders, or carriages, or other apparatus occasioned by the carelessness, wilful neglect or default of the Caretaker, shall be made good by him.

COMMITTEE ON FIRE, WATER AND GAS.

233. The Committee on Fire, Water and Gas subject to the Council shall have the general control and management of the Fire Department and of all the officers and men belonging to it, and of all the engines and other fire apparatus of the Fire Department, and of the houses and places where the same are kept, and of the Fire Hall, and of the horses when required for fire purposes.

234. The said Committee shall report to the Council the new apparatus which may be from time to time required by the Department, with an estimate of the expense of the same, and may without referring to the Council order repairs or such apparatus to the extent of not more than three hundred dollars in each year, reporting in all cases to the Council, the liabilities incurred and the purchases made at its first meeting thereafter.

235. The said Committee may from time to time summon before them and examine any officer or member of the Department, and the person thus summoned failing to attend without an excuse satisfactory to the Committee shall be deemed guilty of a breach of this By-law and liable to the penalties in such case provided.

236. The said Committee shall have power to suspend for a time any officer or member of the Department on grounds which they may deem sufficient, reporting all such cases to the Council for adoption or other disposal.

237. The said Committee shall attend the general musters and exercises of the Department and review the same.

238. The said Committee may order out the Department for drill, review or practice at any time, giving the Chief Engineer three days' notice, and the said Chief Engineer shall give two

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days' notice to the Department, and the absentees on such occasions without leave or a sufficient excuse satisfactory to the Chief Engineer shall be dealt with as for disobedience as is herein provided.

239. The said Committee may also direct the Department to take part in any public procession or ceremony not of a religious, political or sectarian character, in uniform and with or without their engines and apparatus and it shall be the duty of the officers and men of the Department to attend upon pain of the penalties of this By-law as to disobedience as aforesaid.

CITY CLERK.

240. The City Clerk shall lay before the Committee on Fire, Water and Gas at its first meeting after receiving the same all reports and other documents, connected with the Fire Department transmitted to him, and afterwards file away carefully such as are to be preserved.

241. The Clerk shall half yearly furnish to the Chief Constable, to be hung up at the police offices, lists containing the names of the officers and men of the Department, their Ward and street of residence, and their profession and business.

242. The said Clerk shall furnish to each member of the Fire Department a certificate that he is a member thereof, which certificate shall entitle such person, so long as he continues to be a member of the Department, to exemption from the payment of statute labor tax and such other exemptions as he is and may be entitled to by law by being a fireman, Provided always that such certificate shall be renewed once a year at least, and such certificate must in all cases be countersigned by the Chief Engineer.

HIGH BAILIFF AND POLICE FORCE.

243. It shall be the duty of the High Bailiff to attend all fires and render all the assistance in his power under the direction of the Chief Engineer.

244. It shall be the duty of the Chief Constable and as many of the Force under him as can be spared from other duties to attend all fires where they shall be under the command of the Commissioners of Police or such of them as may be present, and in

their absence they shall be under the command of the Chairman of the Committee on Fire, Water and Gas, in his absence of any member thereof, and failing these of the senior Alderman present.

245. It shall be the duty of the Police Force at fires to preserve good order, to prevent irregularity and confusion, to prevent the firemen from being obstructed or hindered or hampered in the discharge of their duties, to keep the people at such fires back to the position to which they may be restricted by the Chief Engineer, to exert themselves to the utmost to save life and property, and to take charge of and guard and protect such property as may be rescued or placed under their charge for safety.

246. And to take into custody, all persons who are drunk, or acting improperly, or who refuses to obey any lawful commands or directions, which under the provisions of this By-law, it shall be the duty of such persons to obey.

247. Any member of the force on becoming aware by the fire alarm, or otherwise of the existence of a fire, shall immediately proceed to the City Messenger, and inform him thereof, and of the Ward in the City in which the fire has occurred, and if the messenger cannot be found such Policeman shall ring the alarm bell of the City Hall himself, and so soon as any fire has been so far extinguished or got under as to render the further ringing of the alarm bells unnecessary, a policeman shall proceed to the City Hall and inform the person ringing the bell there to that effect which person shall thereupon cease to ring.

248. Every member of the Police Force shall so far as possible make himself acquainted with the places of residence of the firemen in the City, and on the alarm of fire the policeman or policemen on each beat shall give notice thereof to every fireman whose place of residence in such beat may be known by knocking at the door thereof or otherwise.

#### FIRE ALARMS.

249. The Fire Alarm for St. Lawrence Ward shall be one stroke on the bell at the City Hall, and the fire alarm for Ontario Ward shall be two strokes on the said bell, and throughout the rest of the City Fire Alarm boxes shall be distributed and numbered as follows that is to say:

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- No. 3. At the Corner of Queen and Montreal Streets.  
No. 4. Brewery, King Street West.  
No. 5. At All Saints Church Division Street.  
No. 6. At George Newlands House south side of Princess Street.  
No. 7. At the Corner of Barrie and Princess Streets.  
No. 8. At the Corner of Earl and Barrie Streets.  
No. 9. At Queen's College Gate on Arch Street.  
No. 12. At the late P. Nugent's House, Montreal Street.  
No. 13. At the Corner of King and Union Streets.  
No. 14. At the Military College.  
No. 15. At the General Hospital.  
No. 22. At the Canadian Locomotive and Engine works.

and the fire alarm for the locality of each fire alarm box, shall be a number of strokes on the Bell at the City Hall, corresponding to the number of the fire alarm box of the locality.

250. A list of the fire alarms and fire alarm boxes with their numbers shall be hung up in the City Clerk's Office, in the Police Office, and in every Engine House or place where any of the fire apparatus is kept, conspicuously printed on card-board.

251. Upon any alarm of fire the City Messenger with the Bell at the City Hall and the Sexton of St. Mary's Cathedral shall sound a general alarm for the space of five minutes.

252. When the Bell at the City Hall ceases sounding the general alarm which it shall do after the lapse of two minutes the other Bell shall also cease ringing, and when information has arrived of the locality of the fire the person ringing the Bell at the City Hall shall strike distinctly and at due intervals strokes to the number prescribed as the fire alarm for the locality, after which he shall pause for the space of two minutes and then strike as before.

253. The person ringing the Bell of St. Mary's Cathedral shall imitate the Bell at the City Hall in the number of strokes and intervals.

254. The Bells shall continue to strike the alarm as above for

the space of one quarter of an hour; for which the Sexton of St. Mary's Cathedral shall be entitled to demand and receive from the Council the sum of one dollar.

255. If the alarm has been false or when he has been notified by a policeman that the fire has been got under the person ringing the bell at the City Hall shall strike nine strokes at intervals twice in succession, when the bells shall cease ringing.

256. Any person wilfully giving or causing to be given a false alarm shall be deemed guilty of a breach of this By-law and liable to the penalties in such case provided.

#### RELATING TO THE PREVENTION OF FIRES.

257. It shall be lawful for the High Bailiff, Chief Constable, any Police Constable or other Officer of the City, to enter in or upon and search or examine any lot, house, workshop, cellar, yard, stable, shed or other premises or erections in or on which there is reason to believe there is any stove, stove-pipe, furnace, chimneys, flues or other implements, gunpowder, shavings, straw, or any combustible or other matter which may be considered as hazardous or dangerous in causing or communicating fire, and for the said High Bailiff, or other Officer, personally to notify the owner or occupier of such premises to take down, remove, carry away, make secure or destroy the same, and in case such owner or occupier shall refuse or neglect to do so for the space of twenty-four hours after such notice, he, she or they shall be liable in such penalty as is authorized by this By-law for a breach thereof, and in the like penalty for every day such nuisance or danger shall remain unremoved, undestroyed or unabated, and also that it shall and may be lawful for the High Bailiff, or other Officer as aforesaid, with the authority of the Mayor or the Police Magistrate, in case the said nuisance or danger remains unremoved, undestroyed or unabated, at the expiration of twenty-four hours after such notice to cause such nuisance or dangerous article or thing to be taken down, removed, carried away or destroyed at the expense of such owner or occupier and for that purpose to enter into any such place or premises as aforesaid, with such workmen or others as may be necessary for the purpose.

258. All stove-pipes which may be carried through any parti-

tion of wood or wood and lime or other thing, or through any floor or any house or building, shall in every case pass through stove-pipe stones or bricks, or within pots or tin, and shall be kept at least six inches from any part of the wood of the partition or floor and at least ten inches from the beam or ceiling of any room through which any stove-pipe may be conveyed which shall be safely and properly secured to the beams or ceiling with wire, chain, or iron-hoop.

259. No stove-pipe shall be carried through a window, side-wall or gable end of any building.

260. That every stove-pipe carried through the roof of a house or building of any description shall be secured in a sufficient brick flue built from the garret floor, and ascending at least three feet beyond the roof of the said building.

261. All pipe-holes in any chimney in any house or building not being in use shall be by the occupant kept closed with a tin or sheet iron stopper or ventilator and all fire-boards shall be protected inside at the bottom and for six inches up from the bottom by covering them with tin or sheet-iron securely fastened.

262. Every stove used in any house or building within the City shall be placed not less than twelve inches from any lath, or wooden partition, and every stove so used shall be furnished with an ash-pan of suitable size, constructed of proper material, metal or wood, securely and wholly covered with tin or sheet-iron, to be placed in front of the door of or under such stove.

263. No person shall carry through any square, street, or lane or through any yard, or into or through any mill, stable, barn, or out-house in the City, any fire, lighted coals or wood unless in a covered vessel of iron, or other safe material, and no blacksmith or other person shall make any fire in any street or square or elsewhere near any combustible material.

264. Every occupant of any house or building within the City in which a fire is kept, is required to provide for all ashes removed from stoves and fire-places a safe receptacle to be made of materials not subject to take fire, and any such occupant depositing or keeping or suffering to be deposited or kept, any ashes in a box, barrel, cask or any other thing consisting of materials subject to

take fire, in such tenement or in any premises occupied therewith shall for each and every offence forfeit and pay such penalty as may be imposed under this By-law.

265. No person shall carry or keep any lighted candle or lamp in any livery or other stable or mill, barn or out-house in the said City, or near any gun-powder or inflammable or explosive or other substance or fluid, unless the same shall be carried or enclosed in a lantern so constructed as to emit light and prevent its communicating fire to any such combustible materials in such places.

266. No person shall smoke or have in his or her possession any lighted pipe or cigar in any work-shop or other place where-in are combustible materials or in any stables, out-house or barn.

267. No person shall place or deposit any quick lime or un-slacked lime, in contact with any wood of a house, out-house or other building or fence, and any person so doing or failing to remove such lime or to secure the same so as to prevent any danger of fire when required, shall be guilty of a breach of this By-law.

268. No person shall use any house or premises in the City as a manufactory of lucifer matches, fire-works, or gunpowder, nitro-glycerine, dynamite, or other explosive material.

269. No person shall use or occupy within the City any building or place for the manufactory of turpentine, tar, refined petroleum, oil, kerosine, paraffine, benzine, camphine, naphtha, or other dangerous or easily inflammable or explosive substance or for the storage of fire-works.

270. No person shall store or pile coal in a heap except in a shed inclosed on three sides or other enclosed place with a good water tight roof or with a water tight covering and in such a manner that no water, rain or snow can reach it.

271. No person shall have, put or keep hay, straw, grain in straw, cotton, flax, hemp or wood shavings or other easily inflammable material in stack or pile in the City without securely enclosing or covering the same so as to protect the same from the danger of ignition by sparks or other means.

272. No person shall have or keep a lumber yard within the City whereat the buying or selling of lumber or timber is carried

on or whereat lumber or timber is stored unless such yard shall be enclosed with a good and substantial close board fence at least six feet in height from the ground.

273. The Members of the City Council shall be Fire Wardens for the City and as such shall use their best efforts in the suppressing of fires within the City subject to the provisions of this By-law.

274. It shall be the duty of the Chief Engineer to inspect all houses and buildings in the course of erection and all other houses and buildings as he may deem necessary and see that the provisions of this By-law relating to the prevention of fires have been and are carried out.

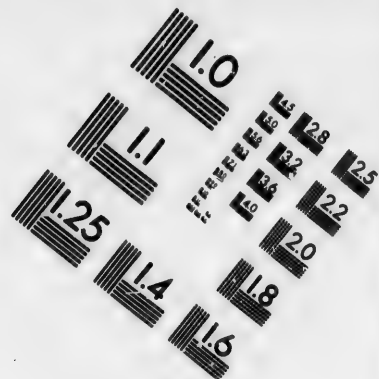
275. All chimney stacks shall be carried to a height of not less than four feet above the ridge or deck of any roof carried by, connected with or abutting upon, the walls to which the said chimney stack is attached, and where a chimney stack is used to carry away smoke or noxious vapours from any manufactory where an engine and boiler of more than twelve or less than eight horse power are used such chimney shall not be less than fifty feet in height above the level of the street adjoining such manufactory, and it shall not be lawful to erect or use within the fire limits of this City, as defined in the provisions of this By-law relating to wooden buildings, any other description or kind of chimney stacks.

276. No timber shall be laid within two feet of the inside of any oven, copper, still, boiler or furnace, nor within nine inches of the opening of any chimney or within seven inches of the inside of any flue.

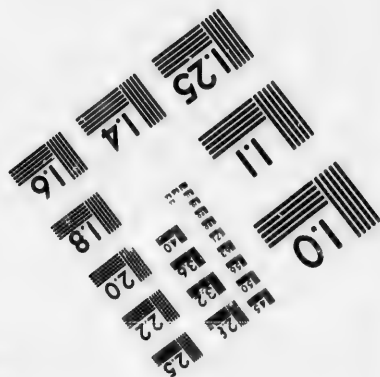
277. No person or persons shall hereafter place any stove in any house or building in the said City, without leaving twelve inches clear from any wood-work, immediately above such stove and nine inches from any wood-work opposite the sides of the same and at least six inches from the floor.

278. No pipe or funnel for conveying steam or hot air shall be fixed next any public street or highway or the front of any building nor shall any funnel, pipe or flue for conveying fire, smoke or hot air, be fixed on the inside of any building nearer than twelve inches to the face of any timbers of roofs, ceiling or partitions, nor



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# Photographic Sciences Corporation

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shall any such funnel, pipe or flue pass through any timber framing or partition of wood or wood and lime or through any wooden floor in any house, outhouse, office, or building whatever, within the said City, unless there shall be a space of at least six inches clear between the said funnel, pipe or flue and such framing, partition or floor, or unless the same shall pass through a chimney of stone or brick and mortar or shall be encircled by a rim of solid stone, brick or metal, not less than three inches wide and equal in thickness to the full finished thickness of the framing through which such pipe shall pass.

279. All depositories of ashes shall be built of brick or other fire-proof material without wood in any part thereof; and no person within the said City, not having an ash-pit as above prescribed, shall keep more than two bushels of ashes on his, her or their premises.

280. No person or persons shall place or keep any ashes removed from any stove or fire-place, in any wooden box or other wooden vessel, or within three feet of any wooden partition in his, her or their house or premises in the said City or in any out-house or shed, or shall place or permit to be placed any hay, straw or other combustible material, uncovered, in his, her or their courtyard or lot of ground within one hundred feet of any building.

281. No person shall without leave of the said Council, by resolution thereof, set up to work any steam engine in the said City, or erect, construct, or build or aid in the erection, construction or building of any fire-place, hearth or chimney to be used in any iron foundry, furnace or blacksmith shop or in the casting of molten iron or other metals or shall make, light, or kindle any fire in or upon any such fire-place, chimney or furnace so made or constructed.

282. No person shall establish, set up, carry on, or continue within the said City, a tannery, fellmongery or place for boiling soap, making or running candles, or for the melting of tallow, or any manufactory of varnish, or fire-works, or any coal oil refinery or refineries or any other factory which from its nature or the material used therein shall be dangerous in causing or promoting fires unless and until he shall have obtained from the City Engineer a certificate of compliance with any general regulations prescribed

or to be prescribed by By-law of the Council in that behalf, which certificate shall expire on the thirty-first day of December in each year and shall be renewed annually, and any person carrying on such business without such certificate shall be subject to the penalties of this By-law. For such certificate a fee of one dollar shall be paid by the person obtaining the same to the City Treasurer.

283. No person shall smoke or have in his or her possession any lighted pipe or cigar in any stable, carpenter or cabinet makers shop or building where straw, shavings or other combustible material may be, or carry or keep or suffer to be carried or kept any lighted lamp or candle in any livery or other stable within the said City, unless such lamp or candle shall be enclosed in a lantern or shade, so as to prevent any accident from fire therefrom.

284. When any building or buildings in course of erection within the City limits shall be deemed unsafe by the City Commissioner the owner, contractor or agent shall be notified at once to make the same safe and secure, and every person so notified who fails within twenty-four hours to comply with such notice shall be subject to the penalties of this By-law.

285. No window sills, dressings, string courses, eave troughs, cornices, or other details or ornaments in any way projecting from the face of external walls, or surmounting the same shall be fixed to any such walls above the line of shop fronts of any buildings or surmounting the party walls thereof, unless such details, dressings, string courses, eave troughs, cornices, details or ornaments shall be constructed of stone, brick or iron or shall be completely covered with iron, tin, zinc, copper or some other material of an incombustible nature.

286. All cranes and hoisting-gibs projecting from the face of any external wall of any house, warehouse, storehouse or other building, above the ceiling line of the ground floor, shall be constructed of iron or other incombustible material or covered internally and externally with incombustible material, such crane or gib not to project over any street or lane.

287. No person shall hereafter establish a lumber yard within that part of the City called the "Fire limits."

288. No breast of any chimney shall be supported by timber

excepting such piling or planking as may be necessary in the foundations, and all timber shall be eight inches at least below the hearth; chimneys back to back in party walls shall be in the chimney back at least one brick or nine inches in thickness; chimney backs in party walls not being back to back with any other chimney shall be at least seven inches clear from the party line.

289. The thickness above specified shall be continued to a height of at least twelve inches above the mantel in every case and all flues built in internal, external, or party walls, shall be surrounded by brickwork not less than seven inches in thickness.

290. All partitions or widths between flues shall be at least half a brick in thickness, and the breast and back of every chimney, and every breast, back and partition or width of any flue shall be pargetted within.

291. Chimney hearths shall in all cases be laid wholly of brick or stone, unless the same be in a cellar or basement story and be laid and bedded in solid earth, and every chimney shall have a slab or slabs or foot pieces before the same of stone, brick, marble, iron or cement, at least one foot six inches broad and extending at least six inches beyond each end of every fire-place opening.

292. Hereafter every person who shall erect or build any house or building in any part of the City within the limits aforesaid, which shall be or is intended to be adjacent to any other house or building, shall build a good and substantial party wall or party walls (as the case may be,) of brick or stone on the side or sides which shall adjoin or be intended to adjoin any other house or building, which party wall shall not be less than twelve inches thick if of brick nor less than sixteen inches if of stone and shall be terminated at the top by a fire guard wall of the same thickness with proper coping and rising not less than eighteen inches above the roof. Provided always that if a wall of the thickness materials and description aforesaid be previously standing in the contiguous or adjoining house or building, then and in such case the person or persons who shall erect any such new house or building shall not be required to make a second wall or walls as aforesaid.

293. Hereafter no chimney shall be built in the City unless of stone or brick walls eight inches in thickness well plastered

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on the inside and rising at least three feet above the ridge of the roof, which chimney or flue if built in circular or square form shall not be less than twelve inches in inside diameter and if of oval form not less than ten inches by fourteen inches.

294. It shall be the duty of the City Commissioner, High Bailiff or any Constable of the said City, personally to notify any Proprietor, Master Builders, Overseer or Agent having the superintendence of or concerned in the erection of any wooden building or addition thereto, or building requiring a party wall or walls, or chimney or flue as aforesaid, of any violation of the provisions of this By-law relating thereto and to forbid any such person to proceed with any work contrary thereto, and in case any such person shall after such notice persist in any such work, contrary to this By-law, he shall on conviction forfeit and pay a penalty of not less than five dollars nor more than twenty dollars for the first day and a like penalty for every subsequent day, he shall continue and persist in such work, besides costs.

295. Any person requiring to burn any hay, straw, chips, shavings or other combustible materials in the open air shall do so on a damp day when there is no wind, and at a distance of not less than seventy feet from any house, building or vessel in or on the shores of the harbour, and such fire shall be constantly watched and completely extinguished before nine o'clock at night.

296. It shall not be lawful for any person to fire or set off any fire-arms, gunpowder, fire-balls or fireworks in any part of the City whereby a danger of fire would be created, and no person shall set or let off squibs or fire crackers in any street, park or other public place in the city.

297. No person shall light or have a fire in a wooden house or outhouse unless such fire is in a brick or stone chimney or in a stove of iron or other metal properly secured.

298. Every store, dwelling house or building of two or more stories high, erected or which may be erected in the city, shall have a scuttle in the roof and a suitable stairway or ladder leading to the same from the inside fitted and placed therein by the owner or occupier so as to afford convenient access to the roof in case of fire, and the proprietors or lessees of all

hotels, mills, factories and workshops of two or more stories high in which people reside or are employed, or in which it is intended they shall do so, shall provide for the use of such hotels, mills factories and workshops a sufficient number of fire escapes for the saving of human life in the case of fire, and the number and quality of such fire escapes shall be determined by the Chief Engineer of the Fire Department, and any person failing to comply with any of the provisions of this section shall be deemed to be guilty of a breach of this By-law and shall be dealt with accordingly.

299. Every dwelling house, manufactory, store, workshop or other building, having a chimney or chimneys, shall be furnished and maintained with good and sufficient ladders reaching from the ground three feet above the eaves of the building and from the eaves to the ridge of the roof against or near such chimney or chimneys, and any person failing to comply with any of the provisions of this section shall be deemed to be guilty of a breach of this By-law and shall be dealt with accordingly.

300. No person shall sell gunpowder or permit gunpowder to be sold in his house, shop, storehouse or other building at night, or when so dark as to render a light necessary.

#### RELATING TO THE SWEEPING OF CHIMNEYS.

301. As soon after the passing of this By-law as the Council may deem expedient there shall be appointed by the Council a Chimney Viewer and Fire Inspector, who shall be the person whose tender for the Office shall have been accepted by the Council, and who shall be paid the charges allowed by this By-law for sweeping chimneys for his services and for the services of those whom he employs to enable him to have the duties prescribed by this By-law properly performed, and it shall be the duty of such officer to see that the provisions of this By-law, from section 301 to section 307 inclusive, and of any other By-law which may hereafter be passed by the Council relating to the prevention of fires be observed, and in case of any neglect or refusal in the observance of such provisions, to complain by information to the Mayor, Police Magistrate, or any Justice of the Peace, having jurisdiction.

302. He shall when required and not otherwise sweep the Chimneys of such persons as desire them to be swept, for which service he shall be entitled to charge the the prices following, viz.:

No. 1. For sweeping the Chimney of any house which does not exceed in height a ground floor and garret the sum of ten cents, and for every additional flue the sum of five cents.

No. 2. For the sweeping of a Chimney in a house higher than is named in No. 1. and which does not exceed in height two floors and a garret the sum of fifteen cents, and for every additional flue the sum of five cents.

No. 3. For the sweeping of a Chimney in a house higher than is named in No. 2. and which does not exceed in height three floors and a garret the sum of twenty cents, and for every additional flue the sum of six cents.

No. 4. For the sweeping of a Chimney in a house higher than is named in No. 3 the sum of twenty-five cents, and for every additional flue the sum of ten cents; which charges as aforesaid shall be paid at the time of sweeping by the occupier or occupiers of each house.

303. He shall accompany the persons employed as sweepers and see that they do their duty in a proper manner and with the least possible inconvenience to the citizens.

304. He shall register in a book kept for that purpose a list of all houses and tenements in the City in which fires are used, the names of the occupiers, of how many stories in height, and the trade, business or calling of the occupiers.

305. It shall be the duty of the Chimney Viewer to call on each occupier of a house within the City at least once in every six months to offer his services to sweep the Chimneys and flues in said house: Provided always that no person shall be fined as herein-after mentioned unless the Chimney Viewer shall have tendered his services in accordance with this section.

306. The occupier of any house in the City in which a Chimney or flue may take fire and which shall not have been swept as aforesaid within six months, shall be deemed guilty of a breach of this By-law, and shall forfeit and pay a fine of not less than two

dollars and costs and every person shall cause his stove-pipes in use to be well cleaned inside from soot at least twice between the months of November and April, in each year, subject to a like penalty.

307. It shall not be lawful for any person to engage in the business or occupation of sweeping Chimneys in the said City unless under the direction of the Chimney Viewer: Provided that any person may sweep his own chimney.

308. It shall not be lawful for any person to hinder, molest, or otherwise disturb, the said Chimney Viewer, or the servants employed by him, while in the execution of their duty.

309. The Council shall annually or oftener if need be, receive tenders from persons willing to accept the office of Chimney Viewer and Fire Inspector and have power to appoint such persons as shall offer the best terms.

#### THE BENEVOLENT FUND.

310. The Benevolent Fund connected with the Department, now and for some time established, shall be continued and shall be under the management of the Executive Committee of the Department, subject to the directions of the said Committee on Fire, Water, and Gas, on an appeal by a majority of the members of the Department, at a meeting of the Department regularly called to consider the matter.

311. All fines and penalties payable under this By-law shall be paid over when received or collected to the City Treasurer, who shall in the months of February, May, August and November, in each year, pay over the amount accumulated to the Treasurer of the Fire Department, and all donations given by any person or persons to the Department, in acknowledgment of services rendered at any fire, shall be paid to the Treasurer of the Department, for the purpose of forming a fund to be called the "Benevolent Fund of the Fire Department of the City of Kingston," and in addition to the above, the City Treasurer shall on the first day of December in each year hereafter, pay to the said Treasurer of the Fire Department, to be added to the fund, a sum of \$40 out of the general funds of the City until otherwise ordered by the Council by By-law.

312. Such fund shall as it may accumulate be applied for the assistance of such members of the Department as may be injured in the performance of their duty as Firemen and their families and the widows and orphans of such as may have been killed or have died from disease contracted while performing their duty as Firemen, by resolution of the Executive Committee of the Department, under the rules and regulations of the Department or applicable thereto and subject to the provisions of this By-law.

313. The Executive Committee of the Department for the purposes aforesaid, in connection with the said Fund, shall be the same committee as is hereinbefore designated by that name constituted as is hereinbefore provided.

314. The said Committee may meet from time to time and cause meetings of the Department to be called for purposes connected with the said fund and four shall be a quorum of said Committee to transact business.

315. Due notice of each Committee Meeting shall be given to each member by the Treasurer of the Department.

316. The Chief Engineer may convene such Committee when he thinks it necessary, and it shall be his duty to call a meeting thereof when required so to do by any three members thereof.

#### GENERAL PROVISIONS.

317. All male persons at or near any fire shall assist in extinguishing the same and in saving and preserving property when required so to do by the Chief Engineer or any of the Assistant Engineers, the Mayor or any of the Commissioners of Police, any of the Aldermen or persons in charge of any Engine or other apparatus of the Fire Department, the High Bailiff, Chief Constable or any Sergeant or member of the Police Force; and any such persons between the ages of sixteen and sixty years of age refusing to comply with such orders on being made or any person refusing to retire when ordered by any of the authorities aforesaid, shall be deemed guilty of a breach of this By-law and liable to be immediately arrested and dealt with as is herein provided for the same.

318. It shall be lawful for the Chief Engineer or either of the Assistant Engineers or Officer in command or charge of any En-

gine, Hose Carriage or Hook and Ladder Carriage, to command the assistance of any male inhabitant between the ages of sixteen and sixty years of age, to assist in conveying or drawing such Engine and other apparatus to or near any fire or to assist in working the same thereat, and any person neglecting or refusing to comply with such command shall be deemed guilty of a breach of this By-law and liable to be immediately arrested and dealt with as is herein provided for the same.

319. It shall be lawful for the Council from time to time and at any time by a resolution to be duly passed to increase or lessen the salary of the Engineers and care taker.

320. No alterations shall be made in any Engine or other Fire apparatus without the express authority of the Committee on Fire, Water and Gas, and all such shall be repaired according to their original plan of construction, unless otherwise ordered by said Committee.

321. When any Engine or other part of the Fire apparatus becomes unserviceable and unworthy of repair the Chief Engineer shall report the same to the said Committee, and the same shall be removed and deposited by him in a place of safety to remain there until ordered to be sold or otherwise disposed of by the direction of the Committee on Fire, Water and Gas.

322. Any person guilty of a breach of any of the provisions of this By-law, at any fire, may be immediately arrested and dealt with as for a breach of this By-law, in addition to any other consequences which may follow under the provisions of this By-law, or otherwise.

323. The Chief Engineer shall under and subject to the directions of the said Committee, advertise as often as may be necessary for tenders from parties willing to contract for the repairs of the Hose, Hose Carts, Hook and Ladder Carriages, Hooks and Ladders, and the supply of the same, and of the fuel required by the Fire Department, and such other things required by the Department as may properly be tendered for, and the party whose tender is accepted by the Committee on Fire, Water and Gas shall enter into a contract with sufficient sureties for the due performance of what he agrees to do: Provided that it shall not be in-

cumbent on the said Committee to accept the lowest tender in any case or any tender.

324. From and after the passing of this By-law no person or persons shall gamble or play at any game of cards or chance nor shall any intoxicating liquors be drunk at or in any of the Stations or Engine Houses in the City of Kingston or in any place used as a fireman's hall or place of meeting.

325. No person shall drive any vehicle whatsoever over any hose while in use or about to be used at any fire or which has been used or laid to be used at any fire, and is not yet taken up.

326. No person shall obstruct, hinder or delay any Fire Engine, Hose Cart, Hook and Ladder Carriage or other fire apparatus, while the same is proceeding to a fire, and every person travelling, riding or driving on any public street or place along which any Engine, Hose Cart, Hook and Ladder Carriage or other fire apparatus, is proceeding to a fire, shall yield the right of way to the same and shall not obstruct, hinder or delay the same by keeping in its way or otherwise.

327. No person shall hinder, obstruct or interfere with any officer or member of the Department while he is engaged in performing his duty except those persons authorized by this By-law to do so.

328. The Members of the Council from time to time shall be Fire Wardens, and as such shall use their best endeavours in the suppression of fires within the City.

329. The word "Department" used in the preceding sections relating to firemen and the suppression of fires shall be held and construed to mean and include the Officers and men of the Fire Department.

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**TITLE 2.—Fire Limits and Wooden Buildings.**

330. No wooden buildings of any kind or for any use or purpose shall be begun, carried on, erected or put or placed in any part of the City lying within the following limits which shall be the Fire Limits of the City, that is to say; commencing at the foot of Barrie Street, thence northerly along Barrie street to Ordnance Street, thence easterly down Ordnance Street to Rideau

Street, thence northerly to Bay Street, thence easterly down Bay Street to the waters of the Harbour, thence along the waters of the Harbour to Emily Street, thence along Emily Street to King Street and thence southerly along King Street to the place of beginning; and no wooden addition shall be made to any wooden building now being any where within the said limits, and no buildings shall be begun, carried on, erected or placed within the said limits having other than main walls of brick, iron or stone, and roofing of incombustible material or shingles laid in mortar except as hereinafter is excepted: Provided always that wooden buildings sheltered and roofed with metal may be erected on water lots where a sufficient foundation cannot be had for a stone or brick building; and also that it shall be lawful to erect substantial wooden buildings roofed with incombustible material or shingles laid in mortar, such buildings to be roughcast in a careful and substantial manner, in any part of the said City within what is called the Fire Limits of the said City except on the lots or properties fronting on the following named streets, viz.:

- (1.) Princess Street, from the waters edge to Barrie Street;
- (2.) King Street, from the Place D'Armes to Barrie Street;
- (3.) Ontario Street;
- (4.) Clarence Street;
- (5.) Brock Street, from the waters edge to Barrie Street;
- (6.) Queen Street from the waters edge to Barrie Street.

331. Provided further that no such wooden or roughcast buildings which may be erected after the passing of this By-law shall be built within a less distance than three feet of any other building, unless there be a fire-guard wall of brick, not less than nine inches thick, or if of stone, not less than sixteen inches thick, to extend from the foundation up and one foot three inches above the roofs of said buildings, and provided also that no wooden or roughcast building shall be erected within sixty-six feet in the rear of or behind buildings in streets or part of streets in which the erection of such wooden buildings is prohibited by this By-law.

332. Nothing in this By-law contained shall have nor shall the

passing of this By-law have the effect of legalizing the erection of any wooden building or wooden addition thereto, which may have been heretofore erected contrary to any By-law of the said City.

333. All wooden or roughcast buildings or additions to buildings which have been at any time heretofore erected, begun, carried on, put or placed contrary to any By-law or By-laws heretofore in force, or which may hereafter be begun, carried on, put, placed or erected contrary to this By-law, shall or may be pulled down or removed by this Council at the expense of the owner thereof: Provided that such owner shall before any such building or additions thereto shall be pulled down or removed, receive two weeks notice in writing of the intention of this Council to pull down or remove such building or addition in default of his doing so, which notice may be left at the owner's residence or place of business or if such owner is not a resident in the said City, the notice may be left at the residence or place of business of his agent if he have one or with the occupant of such building, or may be mailed to the owner's address if known, and if the owner is not a resident in the said City, and has no agent in the said City, and if his address is not known and the building is unoccupied, then such notice may be fastened to the building or addition to be pulled down or removed and it shall be the duty of such owner to pull down or remove such building or addition within said two weeks, and he shall do so accordingly, and if on the expiration of such notice the building or addition has not been pulled down or removed, then it may be forthwith pulled down or removed at the expense of the owner by this Council, which expense may be recovered as provided by law.

334. The meaning of the term rough-cast houses in the preceding sections of this By-law used, is houses rough-cast all round on each side and each end on the outside except the roof, and all such rough-cast buildings as are authorized by this By-law shall be completed within three months from the commencement thereof respectively.

335. It shall not be lawful for any person to begin, carry on, put, place or erect or re-erect any wooden building or wooden addition to any building within the limits in section 330 of this By-law mentioned, contrary to the provisions of this By-law, and

any person so doing shall be deemed to be guilty of a breach of this By-law and shall be liable to the penalties herein provided.

336. Any removal or enlargement of any such wooden building or addition shall be considered a re-erection within the terms of this By-law, and any repairs to any building which it will be necessary to execute to the extent of one-half of the whole value of such building shall be considered a re-erection thereof within the terms of this By-law: Provided that such wooden buildings or additions may be removed outside of the said fire limits, upon obtaining permission from this Council for the purpose.

#### **TITLE 3.—Petroleum and other Illuminating Oils and Fluids.**

337. It shall not be lawful after the passing of this By-law to keep in that part of the City of Kingston lying south of a line parallel and 100 feet south of Cataraqui Street and west of Montreal Street, petroleum, coal oil, benzine, bensole, naphtha, spirits of turpentine, paraffine oil, gasoleum, or any fluid compounded of any of the foregoing substances, or dangerously combustible, in any greater quantity or otherwise than is herein provided namely:—

(1.) Of petroleum or coal oil not more than five barrels in any one place or establishment.

(2.) Of benzine, bensole, naphtha, paraffine oil or gasoleum not more than two barrels in any one place or establishment.

(3.) Of any fluid containing any of the above fluids, or dangerously combustible, not more than two barrels in any one place or establishment: Provided that no person shall keep in any one place or establishment in the aforesaid part of the City more than five barrels altogether of all the above fluids at one time.

338. It shall be lawful to keep and store the above fluids in the part of the City which lies north of a line 100 feet south of Cataraqui Street, west of the Great River Cataraqui, and east of Montreal Street, without limitation of quantity.

#### **TITLE 4.—Powder Magazine.**

339. A safe and properly constructed Powder Magazine shall be provided in the City for the storing of gunpowder belonging

to Merchants, Dealers and other private parties in the City, who are used to have quantities of gunpowder in their possession from time to time for sale or use or otherwise.

340. The Powder Magazine now in use and situated on the property of John Duff Esquire on lot number one, west side of the Great River Cataract, shall be and the same is hereby constituted declared and appointed to be the City Powder Magazine of and for the City of Kingston, for the storing of all gunpowder (excepting the quantity hereinafter mentioned) belonging to or being in the possession of Merchants, Dealers and other private parties, dealing in or using or being possessed of the same in the City of Kingston, and all such Gunpowder (except as hereinafter provided) shall be by the said persons removed to and duly and safely stored in the said Magazine within twelve hours after its arrival in the City, under and according to the provisions contained in this By-law respecting the same, and from the time this By-law comes into force and takes effect no Gunpowder shall be stored or kept (except as hereinafter provided) within the limits of the City of Kingston elsewhere than in the said Magazine so provided for the storage of the same as aforesaid, and all Gunpowder hereafter imported into the City of Kingston except it is to be forwarded or shipped elsewhere shall within twelve hours of its arrival be stored in the said Magazine in the original packages.

341. Each Merchant, Dealer and person aforesaid may for storing his Gunpowder, on application to the City Council, obtain one of the rooms, divisions or compartments provided in the said Magazine for the purpose, and shall in such case receive and keep the key of the same and shall pay for the same an annual fee of fifteen dollars to the City Treasurer upon his obtaining such room division or compartment, and no person shall store or allow to be stored in his room division or compartment in the said Magazine, Gunpowder which belongs to any other person.

342. It shall not be lawful for any shipper, carrier or forwarder to keep Gunpowder received for delivery or transshipment on his premises or in his vessels lying thereat, in any greater quantity than is hereinafter mentioned, for more than twelve hours before delivering the same or despatching the same to its destination, and if the same cannot be so delivered or despatched within twelve

hours of its receipt it shall be removed to and stored by such shipper, carrier or forwarder, in the said Magazine, and a fee of five cents per original package per week shall be paid by him for the storage thereof.

343. The key of the said Magazine shall be kept by such person as the Council may appoint residing near the Magazine and said key may be obtained by persons having Gunpowder stored in the said Magazine or their Clerks or employees at all times between nine o'clock in the forenoon and four o'clock in the afternoon, after which hour it shall not be opened until the next day, and said key shall be returned to the said caretaker or person aforesaid by the person using the same immediately after he is done with using it.

344. No person shall use any candle, lamp, taper, matches or other light or shall smoke in the said Magazine, nor shall any person light or place any fire therein, nor shall any person enter or be therein wearing boots or shoes with iron nails therein, and the said Caretaker or person aforesaid shall after each time the said Magazine has been opened see that the same has been securely locked up, and shall also prevent the accumulation or the placing of any combustible materials or the placing, carrying or lighting of any fire dangerously near to the said Magazine.

345. The said caretaker or person keeping the key of the said Magazine shall receive from the City twenty-five dollars per annum for his services.

346. No person shall keep or allow to be kept in or upon his property or in or upon the property he occupies within the said City, a greater quantity of Gunpowder at any one time than seventy-five pounds and said quantity of Gunpowder shall be kept covered in metallic cases or boxes which shall be kept in a close portable metallic case or box capable of being shut up close, having a strong handle on each side, and labelled "Gunpowder" and placed on the ground floor not more than ten feet distant from the street door and at least twenty feet distant from any fire or stove, and no person shall carry or use a naked light within six feet of any Gunpowder so kept.

347. It shall be the duty of the High Bailiff to visit and inspect all places where Gunpowder is sold or kept in quantities greater

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than a pound weight, or for other purposes than the private use of the possessor, at least once in every month to see that the provisions of this By-law, relating to gunpowder, are observed and that they are enforced and that persons offending against them be prosecuted.

348. The Corporation of the City of Kingston shall not incur any responsibility or be liable in any way for any loss occasioned by the theft of the Gunpowder which may be stored in the said Magazine or its destruction by fire or otherwise or for any loss occasioned by the carelessness or improper conduct or negligence of the persons entering the said Magazine to fetch Gunpowder for its owners or to store, examine or look after said Gunpowder or by the negligence of the caretaker, and each person so storing Gunpowder in said Magazine shall before getting the privilege to do so sign an agreement to the effect of this section.

349. No person shall keep for his private use or otherwise than for sale more than ten pounds of gunpowder.

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## DIVISION VI.

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### TITLE I—Public Markets.

350. The Public Market Houses and the Public Market Places herein and hereby established in the City of Kingston shall be the public market houses and places in and for the said city, and all grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small ware, and all other articles, brought into the said city to be exposed for sale or marketed, may be exposed for sale therein, in accordance with the provisions hereinafter contained in that behalf.

351. The following area described within inverted commas, which constituted Public Market Place Number One on the first day of April in the year 1882, shall henceforth continue to be and constitute Public Market Place Number One in this city, that is to say :

"All the Market Square, together with that portion of King Street lying between the northeasterly side of Clarence Street and the northerly side of Brock Street, and all that portion of Brock Street extending from the southeasterly side of Wellington Street to the southeasterly side of Ontario Street, and all that portion of Ontario Street extending from the northerly side of Brock Street to the northeasterly side of Clarence Street, and the northerly side of Clarence Street to its intersection with Wellington Street, and the southwesterly side of Wellington Street to Brock Street ; Provided that the sidewalks and crossings of the streets in this section mentioned shall not be obstructed or encumbered, and provided that a passage in the centres of said streets for carriages, shall be preserved free from obstruction, and all grain, meat, vegetables, farm produce of every description, small ware and all other articles, brought into the City and exposed for sale on a Market, except the articles by the provisions of this By-law relating to the public Markets to be exposed for sale in Public Market Number Two, shall be exposed for sale and marketed in said Market Place Number One, except as hereinafter is provided, and said Public Market Place Number One shall be sub-divided as follows :—

(a). That part of the City Buildings lying east of the westernmost public side-door in the "Public Shambles" now called the Island Market, shall and is hereby constituted and declared to be a Public Market for the sale of butter, cheese, eggs, poultry, vegetables, flowers and such other articles, commodities and things as are brought into the City to be exposed for sale or marketed, and are exposed for sale in baskets or otherwise than in waggons, sleighs or other vehicles, and said market shall be called "Market Letter A" of Public Market Number One, and the part of the verandah opposite the said part of the City Buildings on the north side thereof shall be and is hereby also constituted a part of said "Market Letter A."

(b). That part of the said Public Market Number One, lying on the north side of the "Public Shambles" and said "Market Letter A" and west of the northern wing of the said City Buildings and east of the pavement running from Brock Street to the main or front entrance to the shambles with the adjoining part of Brock Street, shall be and the same is hereby established as a market for

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the sale of horses, cattle, sheep and pigs and other four footed animals, in which the same may be exposed, exhibited for sale and marketed, properly secured, and the said last mentioned market shall be called and known as the Cattle Market; and that part of the City Buildings, now known and used as a Butcher's Market or Public Shambles and lying west of the westernmost public side door before mentioned of the building in which the said Shambles are situated, shall be a Butcher's Market for the sale of fresh or butchers meat by retail and wholesale; and the position, placing and disposition of all persons attending the said Market Number One, and also Market Number Two, with their horses, vehicles, commodities, articles and things for sale, shall rest with the Clerk of the Public Markets, subject to the direction of this Council or of the Market Committee thereof, from time to time, and the provisions of this By-law relating to the public markets.

352. That the Market Place in the Place d'Armes shall comprise, as on the said first day of April in the year 1882 it comprised, the whole "Place" from Wellington Street to Ontario Street, together with the parts of town lots numbers twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty, reserved for the purpose of the said market in Nash's plan of the sub-division of said lots, and shall be and constitute Public Market Place Number Two, and shall be sub-divided as follows:—

(a). The north-easterly side of this market shall be appropriated and shall be and is hereby established as a public market for the marketing and sale of firewood, lumber, shingles, poles, binders, laths and ladders, brought into the City to be exposed for sale or marketed in sleighs, waggons, and other vehicles, which shall be placed with the hinder end of each vehicle towards and within two feet of the sidewalk on the said northeasterly side of the "Place;" provided that King street, passing through the "Place" and the centre of the "Place," shall be kept free from all obstructions to admit of the passing of the public with horses, cattle and carriages.

(b) The south-westerly side of this market shall be and the same is hereby established as a public market for the sale of hay, straw and fodder in vehicles, and all vehicles containing such brought to the said market to be offered for sale or marketed shall

be arranged on the south-westerly side of the "Place" with the hinder end of each vehicle towards and within four feet of the sidewalk of the said "Place;" provided that King street and the centre of the "Place" shall be kept free from obstruction to admit of the passing of the public with horses, cattle and carriages.

353. In the Public Market Place number Two public weighing scales shall be maintained, at which all hay, straw, cattle, coal, phosphate and ore and other heavy articles, weighing five hundred pounds or over, marketed or sold in the City, shall be weighed, and the charges for such weighing hereinafter provided shall be made and collected, and shall be paid by the seller; and public weighing scales shall be maintained at Market Place Number One, as at present, and the charges for weighing thereat hereinafter provided shall be made and collected, and shall be paid by the seller of the article weighed.

354. The building erected for a fish market house at the foot of Brock street or any building and market which may be substituted therefor, there or elsewhere in the City, shall be, and the same is hereby established, as a fish market, in which fresh fish brought for public sale within the City of Kingston may be exposed for sale.

355. The occupant of each stand in such fish market shall pay for the use of the same the charge hereinafter provided; and each occupant shall wash and cleanse his or her stall or stand each day the same is used.

356. Subject to the provisions of this By-law respecting hawkers, pedlars, and petty chapmen, the vendors of any articles may without paying market fees offer for sale and sell or otherwise dispose of the same at any place within the City, excepting only at and upon the market places thereof. Provided always and it is hereby enacted that the vendors of any such articles in respect of which a market fee may now be imposed under the Municipal Acts who shall voluntarily use any of the said market places for the purpose of selling such articles, shall be liable to pay the lawful market fee hereinafter imposed in the case. And provided further that any person who shall remain upon that part of any street immediately adjoining or surrounding or being within one hundred yards of any market place for the purpose of selling upon such street or streets such articles so as to obtain the advantages

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of the said market place shall be liable to pay the proper market fee in respect of such articles hereinafter imposed, except when the sale is made to persons carrying on business and having actual and *bona fide* stores, shops, or other similar places of business on those portions of streets last mentioned.

357. No person selling articles elsewhere in the City than upon one of the market places as aforesaid, shall obstruct or block up the traffic in the streets with his vehicle or otherwise and no person shall place his horse or horses and vehicle across any street or stop or stand them in the middle of any street or stop or stand them in any street except in the parts of any streets in the sections 351, 352 and 356 of this By-law mentioned beyond the time actually necessary for negotiating sales, and while so negotiating sales, and not exceeding at any one place or time ten minutes, or while delivering any such articles, and when delivering the same the person delivering them shall draw up and place his horse or horses and vehicle close to the sidewalk opposite the place of delivery and two or more vehicles shall not be placed abreast or opposite to each other in any street as aforesaid.

#### MARKET DAYS AND HOURS.

358. Every day in the year shall be a market day except Sunday, Good-Friday, Easter-Monday, Christmas Day, New Year's Day, the Birthday of our Sovereign, Dominion Day, and such days as may be set apart by Royal Proclamation or by the Mayor (with the authority of the City Council) for fasting and prayer or for public rejoicing or as a holiday; and no person shall sell or expose for sale or market any article, commodity or thing on any of those days so excepted on any of the said markets.

#### MARKET REGULATIONS.

359. On all such market days as aforesaid that part of the Market Building used as a Butcher's Market shall be kept open from seven o'clock a.m. until two o'clock p.m., from the first day of December until the thirty-first day of March following inclusive, and during the remainder of the year from six o'clock a.m. until four o'clock p.m., except Saturdays, when said Butcher's Market shall not close before nine o'clock p.m., But the said Public Market Places, Numbers One and Two, shall be opened for the sale of

the commodities authorized to be there sold, at all times during the day until sunset.

360. All persons resorting to the public market houses and market places with commodities, articles or things for sale shall be directed and controlled by the Clerk of the Market or other person appointed in his stead, in the arrangements of the stands and vehicles, and the order in which each shall be placed, so as to produce order and regularity; and no person shall disobey, thwart, hinder or molest the Clerk or such person as may be so appointed or his assistant in the discharge of his duty in this behalf.

361. No empty cart, truck, waggon, sleigh or other vehicle, shall be permitted to stand in the market places; but butcher's renting stalls in the public shambles shall be allowed during business to place their carts, waggons, sleighs or vehicles, in the part of the Public Market Number One on the north side of the Market Buildings, and not elsewhere in said market, and such horses or other animals as belong or may be harnessed thereunto shall be securely fastened to posts placed for their accommodation; and should any butcher or his employee or person in charge neglect to fasten his said horse, horses or other animals to the posts so provided, it shall be considered an infraction of this By-law, and subject to the penalty hereinafter provided.

362. No vehicles, barrels, boxes, bags, crates, tables or stands, or depositories of any kind, shall be allowed to remain on any part of the said public markets over or during the night or on Sunday or on any of the other days excepted in section 358 of this By-law, and no passage or footway heretofore designed and appropriated to the use of and meant to be used by foot passengers, shall be in any way obstructed on any pretence whatever, and all public streets shall be kept sufficiently clear to admit of the free passage of the public with horses, cattle and carriages, and any person who shall obstruct any part of any passage for foot passengers as aforesaid or any public street contrary to this section shall be held to be guilty of a breach of this By-law and shall be dealt with accordingly.

363. All meat, poultry, fish or other articles of food, tainted or unwholesome in the opinion of the Clerk of the Market or other person appointed in his stead, offered or exposed for sale, or mark-

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eted on or in any of the said markets or shambles or authorized fish or meat shops elsewhere within the City, shall be seized and destroyed, and the persons offering or exposing the same for sale shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly.

364. The vendors of articles in any waggon, sleigh, cart, truck or other vehicle or other thing, brought into the Public Market in the City of Kingston for sale, shall be subject and liable to the respective and proper market fees hereinafter set down and imposed in respect thereof in the tariff of market fees and weighing charges.

365. No person shall post on or attach to any weigh-house or on or to any part of the City or Market Buildings any bills, notices, papers, posters or placards, and any person so doing shall be deemed guilty of a breach of this By-law and liable to the penalties thereof.

366. No person shall throw or place any filth, offal, vegetable tops or refuse, upon any part of the public market places or in any market house, and any person so doing shall be liable as aforesaid.

367. No person shall commit any kind of nuisance in any of the said market houses or market places and any person so doing shall be liable as aforesaid.

368. No huckster, dealer or other person, shall kill or pluck on the Market Place, any description of fowls, or any butcher or other person kill or clean any animal there, or in any public street or place or in the City Building, and if any such person do so he shall be deemed guilty of a breach of this By-law and liable to the penalties thereof.

369. No person shall, except as is in this By-law elsewhere provided, offer or expose for sale by auction or public outcry in any of the market places or public streets or places adjoining, any articles, commodities or things, nor shall any person conduct his business in a noisy or loquacious manner or so as to attract a crowd about him or interrupt the general business of the Market or obstruct the same or the persons attending it or obstruct any of said public streets or places, and if any such person do so the Clerk of the Market, his assistant, the policeman on

duty or any other person under the authority of the Clerk of the Market shall cause such person so offending to desist, and if such person refuses to desist he shall be summoned before the Police Magistrate or the Mayor or any Alderman of the City acting for the Police Magistrate or otherwise competent and shall be dealt with as for a breach of this By-law.

MARKET FEES AND WEIGHING CHARGES AND RENTS AND THE LESSEE.

370. The market fees and weighing charges of the City markets other than rents arising from butchers' stalls and rents arising from tables and stands and rents of tenements and shops in the City Market Buildings, shall be farmed, leased or rented to the highest and best tender on the first Monday in August in each year, and at least one week's notice shall be given for tenders in one or more of the City newspapers and also at least fifty large sized printed bills shall be posted up in conspicuous places throughout the City, calling for such tenders as aforesaid, and no tender shall be received or accepted which shall not contain the actual signatures of two good and sufficient persons as sureties who shall in the lease to be entered into with their principal, bind themselves jointly and severally for the due fulfilment of the contract and the faithful payment of such amount as may be offered for such contract, whether such contract shall prove profitable or not, and such lessee and his sureties shall give four promissory notes for the rent, made by the lessee and endorsed by his sureties, payable quarterly, each for an equal fourth part of said rent. Provided that said market fees and charges may be disposed of by public auction if the Council think fit, under such regulations as may be by them adopted, and provided further that the City Council may keep the same in their own hands if deemed advisable.

371. The lessee or purchaser of said market fees and weighing charges from time to time shall and may demand, take, collect and recover the same in as full, ample and efficient a manner as the Council might cause to be done in case said market fees and weighing charges had not been let or sold, and no lessee of the said market fees and weighing charges shall assign or sub-let the same or any part or portion thereof, or shall let or set apart or

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assign to any person any part of the area of the Public Market to be occupied by a stand or by cordwood or otherwise howsoever contrary to the true intent and meaning of this By-law.

372. The collector or lessee of the market fees and weighing charges or his assistant or assistants shall not exceed the authority vested in him by the provisions of this By-law relating to the public markets of the said City of Kingston, and he shall not exact, extort or receive any higher or other fee or charge than is authorized to be collected and paid by the said provisions of this By-law, and all tickets given by him for weighing hay or straw or other commodities or things shall be written with ink and not otherwise, and he shall keep a copy of the same in a book to be kept by him for that purpose, and to be open for inspection at reasonable times, and further that the said collector or lessee and his assistant or assistants, before entering upon the said office, shall be sworn in by the Mayor as Weigh Masters.

373. The said butchers stalls, and the stands and tables outside, and the shops in the market buildings, shall be let by public auction or by tender on the thirty first day of December in every year. Provided that if the said day should fall upon a Sunday or holiday, the letting shall take place on the preceding day, and the letting shall be for one year and the term shall commence on the first day of January following, and the parties renting the said butcher's stalls, and the said shops, shall each enter into and execute a lease of the same, with two sufficient sureties, for the due performance of the covenants and payment of the rents of the same. Provided further that when any of the stalls, stands, tables or shops, become vacant, the same may be immediately let in such manner as the market committee may determine, and provided also that the rents of the butcher's stalls, stands, tables, and shops shall be payable weekly in advance.

#### THE CLERK OF THE MARKETS.

374. It shall be the duty of the Clerk of the markets or his assistants to give notice promptly to the owner of any horse or vehicle or the owner of any box, barrel, package, case, or other depository, occupying or obstructing any portion of the markets, side-walks, or passages as hereinbefore defined; and if such person

shall not immediately remove such obstruction, attend his horse, and in every matter obey said Clerk or his assistants and act promptly in accordance with the provisions of this By-law relating to the public markets when notified or required so to do, then said Clerk of the market or his assistants shall immediately cause to be summoned any and every such offender before the Police Magistrate or the Mayor or any Alderman of the City having due authority, to be dealt with as for a breach of this By-law. Provided always that a space of three feet on the insides of the sidewalks be permitted to merchants and others for the display of their goods and merchandise in all cases where the walks are less than ten feet in width, and a space of two feet where the walks are more than ten feet in width, immediately opposite to and adjoining their places of business in the Market Squares or places and adjoining streets, but otherwise no sidewalks or pavements shall be obstructed but shall be kept sufficiently free for the public traffic as hereinbefore provided.

375. The duties of the Clerk of the market shall be (in addition to all other duties herein contained or mentioned) to open and close the doors of the market house in accordance with the days and hours aforesaid and to attend to the Market Places during such days and hours, he shall not appoint a deputy without the authority of the City Council or the Mayor, he shall oversee and inspect and shall seize and destroy all tainted and unwholesome meat, poultry, fish or other articles of food exposed for sale or marketed in any public market, public street or place, and shall under the direction of the Mayor, Police Magistrate or other constituted authority, inspect all weights and measures within the City, and seize all that are contrary to the established standard, (which standard shall be the weights and measures established by law), and proceed by summoning before the proper authorities and prosecuting all parties who may have or use light, unjust or deficient weights or measures or fraudulent or unlawful scales, in his, or her possession, he shall determine all disputes that may arise regarding weights and measures in the markets, he shall also summon before the Police Magistrate or the Mayor or any Alderman of the City acting for the Police Magistrate without any unnecessary delay, all persons whom he deems or who are charged with being guilty

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of any breach of any of the provisions of this By-law relating to the public markets, and take all necessary steps to have such persons duly punished, he shall also determine the order of standing in or occupation of the market places in conformity with the said provisions of this By-law, he shall see that the Butcher's paying rent have receipts for the rents of such stalls as may be rented to them, so paid, and in the event of non-payment, he shall seize and sell after six hours notice, a sufficient quantity of meat in the delinquents stall to pay the amount of such rent as may be due and unpaid and shall report delinquents if any, together with the number of stalls, shops, or stands, which may be untenanted, he shall be ex-officio a City Constable and sworn in as such when entering upon the duties of his office, he shall enter into a bond with the City Corporation, himself in six hundred dollars, with two sufficient sureties in two hundred dollars each, for the due performance and faithful discharge of all his duties and the faithful accounting for and paying the City Treasurer, or as directed by the City Council, of all monies which shall come into his, the Clerk of the Markets hands, at least once every week, but oftener if required, he shall also make such returns relative to his office, as shall be called for by the resolution of the Council. Provided always that one policeman shall be constantly on duty during market hours in the Market Place Number One, and during such time shall be under the control of the Clerk of the Market, to act promptly as circumstances may require, and especially to prevent either forestalling or buying by hucksters, grocers, butchers or runners, before the hours hereinafter mentioned in the 411th section of this By-law relating to forestalling, regrating, and monopolizing.

376. The Clerk of the Market shall see that the conditions and requirements of the provisions of this By-law relating to the public markets are all satisfied, obeyed, observed, and complied with, by the persons whose duty it is to satisfy and comply with the same.

#### BUTTER.

377. Butter offered or exposed for sale or marketed within the City of Kingston in rolls or prints or other packages, shall be sold by weight and not otherwise, and when

stated or represented to contain a certain weight, it shall be lawful for the Clerk of the Market or any person appointed, to weigh such butter, and if found short or light of weight from what it was represented to be, said Clerk or person shall immediately summon before the Police Magistrate or Magistrate acting in his stead the person offering it for sale and making such misrepresentation who shall be dealt with as for a breach of this By-law, and the said butter shall be forfeited to the use of the House of Industry as herein provided.

GRAIN PRODUCE AND ROOTS.

378. All grain, produce and roots, as hereinafter mentioned, offered or exposed for sale within the City of Kingston, shall be sold by avoirdupois weight and not otherwise (unless a bushel by measure is specially agreed upon, which measure shall be the Dominion standard bushel measure) the weights to be used being the standard weight per Dominion bushel measure as fixed by law, and the said weight shall be for each such bushel as follows, viz; wheat, 60 pounds; beans, 60 pounds; barley, 48 pounds; oats, 34 pounds; rye, 56 pounds; peas, 60 pounds; buckwheat, 48 pounds; indian corn, 56 pounds; clover seed, 60 pounds; timothy seed, 48 pounds; potatoes, turnips, carrots, parsnips, beets, and onions, 60 pounds; flax seed, 50 pounds; hemp seed, 44 pounds; blue grass seed, 14 pounds; castor beans, 40 pounds, avoirdupois weight, and the fractional parts of a bushel of each article shall weigh in proportion, and the said articles shall be weighed at one of the public market scales at the expense of the vendor and the weigher shall give a ticket as provided in the case of hay and straw.

379. When potatoes, turnips, carrots, parsnips, beets, onions, beans or peas, are offered for sale or sold by the bag, each bag of said articles shall weigh ninety Dominion pounds weight avoirdupois, exclusive of the weight of the bag, and none of said articles shall be offered for sale or sold by the bag unless each bag contains the said weight, and any person acting contrary to this section shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly.

380. When oats are offered for sale or sold by the bag each bag

shall weigh sixty eight Dominion pounds weight avoirdupois exclusive of the weight of the bag, and no oats shall be offered for sale or sold by the bag unless each bag contains the said weight, and any person acting in a manner contrary to this section shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly.

HAY AND STRAW.

381. Any hay or straw exposed or offered for sale within the City, and intended to be sold by weight, shall be sold by the ton or hundred pounds weight avoirdupois, and not otherwise, and if straw be exposed or offered for sale by the bundle, each bundle shall weigh not less than twelve pounds avoirdupois, and in such case it shall be lawful for the Clerk of the Market or any other person appointed, to weigh one or more bundles, and if found short of weight every bundle in the load shall be weighed and all bundles found short of weight shall be forfeited for the use of the House of Industry and the person offering the same for sale shall be deemed to be guilty of a breach of this By-law and shall be dealt with accordingly.

382. Hay and straw shall be weighed at the public weighing scales in the Public Market Number Two and not elsewhere, and after it is sold and on the way for delivery and not before a ticket shewing the gross weight and tare and net weight of each load shall be given by the Clerk of the Market or weigher or other person in charge to the owner or vendor of such hay or straw; which ticket shall also state the year and the day of the month on which such load as aforesaid was weighed, and a ticket containing the like particulars shall be given to the vendor or owner of anything weighed at any of the public scales by the Clerk of the Market, the weigher, or person in charge of them, and said ticket shall be delivered by the vendor to the purchaser at the time of the delivery of the thing purchased.

WEIGHING AND MEASURING.

383. The vendor shall in all cases pay for the weighing of the article sold and the weighing shall be done at the public scales in the public market herein appointed for the sale of the article (except as herein may be otherwise provided) by the proper weigher who shall in all cases grant a ticket of the weight, and date of weighing.

384. The vendor shall weigh and measure according to the aforesaid Dominion weights and measures, on request by the purchaser and on refusal shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly. Provided always that it shall be lawful for the vendor and buyer to agree specially that the sale shall be by the bushel by measure instead of the bushel by weight.

385. When any article or thing is exposed for sale or marketed in any public market of this City, it shall be unlawful to state or represent it to be of greater weight, number or measure than it is, either verbally or by words, letters or figures, marked thereon, or on the thing containing it or otherwise, and when it is stated and represented by the person exposing the same for sale or marketing the same, or appears by words, or letters, or figures marked on such article or thing or on the thing containing it or otherwise, that such article or thing contains a certain weight, number or measure, or if such article or thing should be required by any law or By-law to contain a certain weight, number or measure, it shall be lawful for the said Clerk of the Market or person appointed, to weigh such article or thing on the public weighing scales or to count it or to measure it, in or by a lawful measure, whenever he shall deem it proper to do so, and if such article or thing be found short or light of weight or short of count or of measure from what it was represented to be or from what it ought to be as aforesaid, the said Clerk or person shall forthwith proceed to summon the person offering the article for sale and making such misrepresentation, who shall be deemed guilty of a breach of this By-law, before the Police Magistrate or other Magistrate acting in his stead to be dealt with as for a breach of this By-law, and any such article so found of light weight or short measurement shall be forfeited to the use of the House of Industry.

386. There shall not be any trick or device or other fraudulent means used whereby any meat, fish, fowl, produce, commodity, article or thing exposed or offered for sale is or would be deceitfully enhanced in weight, bulk, appearance or apparent value, and any person using any such trick, device, or means, shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly.

BERRIES AND OTHER FRUIT.

387. It shall be unlawful to expose for sale or market cherries, currants, strawberries, raspberries, blackberries, gooseberries, cranberries, huckleberries, whortleberries, or other berries, otherwise than by the Dominion Standard bushel, peck, gallon, half-gallon or quart, or by its lesser parts, multiples, or proportions, using the proper Dominion Standard measure-out, and its parts in each case, according to the quantity sold, and if any of the said kinds of fruit or berries are sold in "boxes" each box shall contain not less than a Dominion Standard quart, and none of the said kinds of fruit or berries shall be sold, except by the Dominion Standard measure as aforesaid, or in boxes containing not less than a Dominion Standard quart as aforesaid, and any person acting contrary to this section shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly.

388. It shall be unlawful to sell apples (undried), pears, plums, peaches, (undried) or tomatoes, otherwise than by the Dominion Standard bushel measure and its fractional parts.

BUTCHERS.

389. All butchers occupying stalls in the butchers market in the City Buildings or licensed shops shall keep their stalls or shops open during market hours on each and every market day; and any person going to a butchers stall or licensed shop and ordering or requesting the person in charge of meat for sale to cut off any piece of any dimensions or weight, shall be obliged to take and pay for the same after it has been weighed, according to the price per pound as may have been agreed upon when the order or request was given or made on pain of the penalties provided in and by this By-law for a breach thereof.

390. The said butchers market shall be thoroughly whitewashed once in each year by this Corporation and the floors of the stalls and all passages leading thereto inside of the market building shall be thoroughly swept on the afternoon of each and every market day, Saturdays excepted, between the hours of two and six o'clock p.m., the benches or stands on which meat may be placed or laid out or exposed for sale shall be well scraped and cleaned at least daily by the lessee of the stalls and such stands

or benches shall be so placed as not to interrupt the public passage through the market building; and all such cleansing and arrangement shall be done to the satisfaction of the Clerk of the Market: Provided always that the sweeping out of the stalls shall be done immediately after the market hours by the lessee thereof, and the sweeping of all passages shall be done by the person employed by this Corporation to clean the market place: Provided further that no dogs shall be harboured or permitted in or about the said butchers market on any pretense whatever, and should any dog be harboured or permitted in or about any stall in the said market, the owner or occupant of such stall who has so harboured or permitted it, shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly.

391. All persons shall be permitted to market, sell or dispose of fresh or butchers meat in or from their waggons, carts, sleighs or vehicles, while the same are standing in the Public Market Place Number One, by the carcase, side, or quarter only, and not otherwise; and all such sales shall be made at so much per pound weight avoirdupois or at so much per hundred pounds weight avoirdupois, according as the case may be, and not at so much by the piece, or quarter, or side, or carcase, or otherwise than as aforesaid; and the said meat shall be weighed on the public scales in the said market place, and not elsewhere, by the Clerk of the Market, or lessee, or person duly in charge of the market for the time being, and for the weighing of which the vendor shall pay the charge hereinafter provided. And no salt or dried meat shall be sold in the Public Market Place Number One in less quantities than by the ham, cheek, flitch, shoulder, side or quarter.

#### FRESH FISH.

392. It shall be lawful for any person to whom permission may be granted as hereinafter provided by the said Council to expose for sale and sell fresh fish in shops to be designated by the said Council as hereinafter provided, which shops shall front on the public street and shall be on the ground floor of the house in which they are, and except as hereinafter provided, no fresh fish shall be exposed for sale or sold in any shop in this City, unless in a shop designated as aforesaid, and while such designation is in force and not annulled.

393. Every such shop shall be well drained and ventilated and shall have a superficial area of floor of one hundred square feet and shall be nine feet wide and at least eight feet six inches from the surface of the floor to the ceiling and shall be properly fitted up and shall be thoroughly cleansed daily and shall be well supplied with fresh clean water and shall be well painted with oil paint once in every year; if the walls are plastered they shall be whitewashed, if of brick, painted or whitewashed, and if of boards painted at least once in every year.

394. The said Council shall from time to time on application to be made to it, consider the fitness of any shop mentioned or described in any such application as a place for the sale of fresh fish, and if such shop is found fit for such purpose, then, when the Clerk of the Market shall have certified that the requirements of this By-law are satisfied and have been complied with as to the same, such shop may be designated and numbered by the said Council as a place in which fresh fish may be exposed for sale and sold while such designation is in force and no longer, and the Clerk of the Markets shall keep a register of all such shops and of the numbers.

395. The Clerk of the Market shall make a tri-weekly inspection of the said shops and the fish exposed therein for sale, and shall cause all tainted and unwholesome fish to be seized and destroyed, and shall report to the said Council any non-compliance with the conditions and requirements of this By-law in connection with the sale of fresh fish he may observe.

396. It shall be the duty of the keeper of such a shop to satisfy and comply with all the conditions and requirements of this By-law in connection with the sale of fresh fish, and to do and perform or cause to be done and performed, all the painting, whitewashing, cleansing, and all other matters necessary to be done and performed, and if he or she shall be in default as to any of such conditions, requirements, or matters, after the designation of such shop as a place in which fresh fish may be exposed for sale and sold, he or she shall be deemed guilty of a breach of this By-law, and upon conviction thereof, shall be dealt with accordingly; and the designation of such shop, as a place in which fresh fish may be exposed

for sale and sold shall be cancelled, and such shop shall be no longer so privileged.

397. Should the keeper of any shop so designated as aforesaid fail to meet the requirements or fulfil the conditions of this By-law in connection with the sale of fresh fish in any respects, this Council may recall and cancel such designation and such shop shall thenceforth cease to be a place in which fresh fish may be exposed for sale and sold.

398. Nothing in the sections of this By-law relating to the sale of fresh fish shall apply to the sale of lobsters, oysters or other shell fish, in or out of the shell, or to the sale of sea fish in the months of December, January, February and March or to the sale of fresh fish in the public markets, or in the public streets as hereinbefore authorized.

#### FIREWOOD.

399. All firewood brought into the City and exposed or offered for sale or marketed shall be sold by the cord and such cord shall contain one hundred and twenty eight feet of wood, cubic measure.

400. All cordwood brought into the City for sale or to be marketed shall be divided or classified into three qualities or brands, namely; first, second, and third.

401. There shall or may be appointed by the Council one fit person to be called the City Firewood Inspector whose duty it shall be on request of the purchaser or vendor to measure and inspect all cordwood delivered or being delivered in the city by any party selling the same, and to certify the quality as first, second or third, and also the quantity of such cordwood, and also to inspect, ascertain and certify the quality and the quantity of all cordwood or other wood for fuel offered for sale within the City; and it shall be the duty of the said Inspector in every such case to mark such quality and quantity on the wood so measured and inspected, and such Inspector shall grant, on request, to the party obtaining the inspection a ticket containing the particulars of such inspection, with the day of the month and year of such inspection and the names of the vendor and buyer.

402. It shall be the duty of such Inspector of firewood, when required by the purchaser of any cordwood, to see that such wood is properly and closely packed or piled, and, if necessary, he shall cause the vendor to repack and repile the same, and the vendor shall do so on request of the said Inspector on pain of being deemed guilty of a breach of this By-law.

403. No firewood shall be deceitfully or unfairly piled so as to appear of greater measure than if fairly, closely and compactly piled, and no crooked wood shall be packed or piled with cordwood, but the same shall be packed or piled separately, the Inspector making due allowances for such crooked wood in his measurement.

404. No person shall take upon himself the duties of the Inspection of firewood unless he shall have been regularly appointed by the City Council as herein provided.

405. The Inspector of firewood shall not purchase any wood which shall be brought into the City for sale, except for the consumption of himself and family, nor shall he deal in firewood.

406. Any person exposing or offering for sale cordwood by the load in the City shall, if requested by the purchaser, obtain from the Inspector of firewood a certificate of the quantity and quality of such load, and any vendor refusing to do so shall be guilty of a breach of this By-law and shall be punished accordingly.

407. It shall be the duty of the said Inspector of Firewood, either upon request or upon information given him or of his own accord, to inspect and examine any firewood publicly exhibited and offered for sale within the City, and in case the said firewood shall be found short of the measure before stated, or shall be found not to be closely or properly piled, the person or persons offering or exposing the same for sale, shall be dealt with as hereinafter provided as for an infraction of this By-law.

408. Before entering upon the duties of his office the Inspector of Firewood shall execute to the Corporation of the City of Kingston, a bond, himself in two hundred dollars, with two sureties in the sum of one hundred dollars each, conditioned for the due and

faithful discharge by said Inspector of the duties of his office.

409. There shall be a substantial standard hand-measure constructed of oak eight feet in length for the measurement of firewood sold from boats, rafts, wharves or vessels, or from wood yards in this City, or in waggons, sleighs or other vehicles, and such measure shall be so graduated as to measure one cord, one half cord, and one quarter cord, and shall be also graduated on a scale of feet and inches; and said standard measure shall be in charge and under the control and superintendence of the City Firewood Inspector; and all firewood sold within the City by the single cord, half cord, or quarter cord, or in quantities to be delivered in yards or other places, shall be sold according to said measure, and the said Inspector shall also be furnished with a standard chain-measure eight feet in length, graduated in lengths of cords, half and quarter cords, which chain-measure and standard hand-measure shall be for measuring all such firewood delivered in loads or quantities; and should the owner or vendor of said wood decline or refuse to have the same measured, as aforesaid, he shall be deemed guilty of a breach of this By-law and subject to the penalties thereof.

#### FORESTALLING.

410. No person shall be guilty of the offence of forestalling, regrating or monopolizing within the City, of oats, wood, meats, fish, fruits, roots, vegetables, poultry or dairy products, eggs or any article required for family use or such as are usually sold in the market, brought into the City for sale, and no person shall buy any of the said articles except for his own family use before the hour of ten o'clock A. M., and no butcher, grocer, huckster, or runner shall purchase any of the said articles in any of the public markets before the hour of ten o'clock A. M. or in any other part of the City before the hour of twelve o'clock noon, and no person knowingly shall sell any of the said articles to any butcher, grocer, huckster or runner in any of the said markets or elsewhere in the City before the hours aforesaid respectively, and notwithstanding that such articles are in any of the said instances sold or bought for export from the City, and no butcher, grocer, huckster or

runner shall before the hour of ten o'clock A. M., in any of the said markets or before the hour of twelve o'clock noon elsewhere in the City go to any waggon, sleigh or other vehicle in which articles are exposed for sale, to bargain or offer for the purchase of, or make a standing offer of a price for any article to be paid to the vendor in case the vendor fails to sell such article to another purchaser at a higher price, or shall keep back or hinder other persons from purchasing, or shall crowd or throng them while purchasing, and any butcher, grocer, huckster or runner so doing or refusing to desist from so doing and go away upon being requested to desist and go away or otherwise acting contrary to this section shall be deemed to be guilty of a breach of this By-law and punishable accordingly.

SALE OF TINWARE, ETC., PROHIBITED ON MARKET PLACE NO. 1.

411. It shall be unlawful for any person to offer or expose for sale, or to sell or market in Public Market Number One or in any vacant lot or lots adjacent thereto, any tinware, metalware, earthenware, woodenware, pens, pencils, paper, envelopes or other stationaryware, knives or hardware articles or iron, brass, copper, bronze, lead, steel or composition or other metal tools, vessels or articles of any kind or farming implements or farming or agricultural machines of any kind, or jewelry, or imitation jewelry, or sweets, or confectionary of any kind, or oils, soaps, essences or perfumery, or patent or other medicines, or drugs, or the compound thereof, or the materials in any form of which the same are composed (except native bark, roots or herbs) or saddlery or harness or waggons or sleighs or other vehicles, or any household furniture, or stoves, or grates or other household utensils or articles, and any person so doing shall be held to be guilty of a breach of this By-law, and shall be dealt with accordingly.

412. Provided that the last section shall not apply to any person now holding under this Corporation a shop in the City Hall or Market Buildings as to transactions in such shop, or in the verandah space in front of and belonging to such shop; and provided also that said last section shall not effect any privilege now possessed by

any merchant or shopkeeper as to the occupation by his wares of a part of the sidewalk opposite his premises.

MISCELLANEOUS.

413. All dealers, hucksters and others within the City, selling or retailing any produce, grain, clover, timothy seed, potatoes, tubers or other roots, commodities or articles, shall sell or retail the same under the conditions set forth in the sections of this By-law relating to the public markets and not otherwise.

414. When any article is publicly offered for sale and marketed within the said City under the laws relating to the public markets, and earnest money is paid and received between buyer and seller both parties shall be compelled to abide by their bargain and complete the sale and delivery unless sufficient reason shall be shown to annul the bargain before the Police Magistrate or before the Mayor or any Alderman of the City acting for the Police Magistrate, as the case may be, and the person refusing to carry out any such bargain shall be dealt with as hereinafter provided as for a breach of this By-law of which he or she shall be deemed guilty.

415. No gambling of any nature whatsoever, nor any games for pleasure or amusement, shall be allowed in the public market places or market houses, nor shall there be any dog-fighting in or at any of the said places, and the standing by and encouraging any such gambling, gaming or dog-fighting shall be deemed *prima facie* evidence of participation in or being an accessory to such gambling, gaming or dog-fighting, and any person infringing this section shall be dealt with as for a breach of this By-law. Provided always that should any dog-fighting take place in any of the aforesaid places, if it be a set or promoted fight, the owner and persons inciting such fighting shall be dealt with as hereinafter provided as for a breach of this By-law, of which they shall be deemed guilty.

416. Any person who shall make use of any profane swearing indecent, abusive or blasphemous language or who shall be guilty of wrangling or other disorderly conduct in the market houses

or market places, shall be deemed guilty of a breach of this By-law.

TARIFF OF MARKET FEES AND WEIGHING CHARGES.

417. That the following market fees and weighing charges and none others shall be paid by the vendors and collected by the Clerk of the Market, or his assistant or the lessee of the said fees and charges, as the case may be:

Upon each load of hay (not in bundles) contained in a waggon, sleigh or other vehicle brought to the Market Place excluding weighing charge.....7 cents.

Upon each load of straw (not in bundles) contained in a waggon, sleigh or other vehicle brought to the Market Place excluding weighing charge.....5 cents.

Upon articles (not herein specially named) brought to the Market Place in a vehicle drawn by two horses upon which fees may be imposed.....10 cents.

Upon the same if drawn by one horse.....7 cents.

Upon each load of cordwood or other firewood, lumber, shingles, laths or ladders brought to the Market Place in a vehicle drawn by two or more horses or other animals.....7 cents.

Upon the same, if drawn by one horse or other animal. .5 cents.

Upon each load of hay or straw in bundles brought to the Market Place in a vehicle drawn by two or more horses or other animals.....7 cents.

Upon the same if drawn by one horse or other animal.....5 cents.

Upon the article or articles contained in any crate, barrel, bale, box, hand-cart or wheelbarrow brought to the Market Place for sale per day.....5 cents.

Upon the article or articles contained in any pail or basket brought to the Market Place for sale per day.....1 cent.

Upon each stand in the Fish Market per day.....25 cents.

Upon the article or articles contained in any bag or package not enumerated brought to the Market Place for sale and not occupying a greater space than 18 inches square, per day, 1 cent., and so in proportion.....

For each horse or cow offered or exposed for sale in the Market, per day.....12½ cts.

Upon each pig, sheep, lamb or calf brought to the Market Place to be offered or exposed for sale apart and separate from waggons or sleighs per day.....3 cents.

#### WEIGHING CHARGES.

All draughts to 50 lbs. inclusive.....	2 cents.
do from 50 to 100 lbs. inclusive.....	3 cents.
do from 100 to 200 lbs. inclusive.....	5 cents.
do from 200 to 1,000 lbs. inclusive.....	8 cents.
do from 1,000 lbs. to 2,000 lbs. inclusive.....	12 cents.
do from 2,000 lbs. and upwards.....	25 cents.

For weighing one load of hay.....13 cents.

For weighing one load of straw.....7 cents.

For weighing each head of cattle.....10 cents.

For weighing each cart or waggon load of coal.....5 cents.

and no person shall sell or offer for sale any grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of any description, small ware, or any other articles on any market place within this City without paying when demanded the proper market fee required to be paid by or under this section.

419. It shall be the duty of every person liable to pay a market fee or weighing charge under the provisions of this By-law relating to the public markets to pay the same to the person entitled to receive the same when demanded, and before leaving the market if time for payment has been allowed.

420. Any person who, being liable, shall refuse or neglect to pay the proper market fee or weighing charge fixed and imposed by section 417 of this By-law in the case, when demanded by the Clerk of the Market or Lessee of the Market fees and charges, or other person duly appointed to receive or demand the same, or who being liable shall leave the Market Place without paying the same, shall be deemed to be guilty of a breach of this By-law and shall be dealt with accordingly.

**TITLE 2—Bread.**

421. All bread sold or offered for sale in the City shall be made of good and wholesome flour unadulterated, and shall be composed of the kind and quality of flour it is held out or represented to be composed of, and shall be in loaves of two pounds, and four pounds weight avoirdupois respectively, when weighed, not sooner than four hours after being taken out of the oven in which it was baked, and all bread sold or offered for sale within the City of any less weight than it ought to be or is represented to be, or in the making of which deleterious or adulterated materials are used or which is overstate or mouldy, or otherwise unwholesome or unfit for human food, shall be seized and forfeited and disposed of as hereinafter mentioned. Provided always that nothing in this section contained shall prevent bakers or other persons from selling or offering for sale biscuits, cakes, buns, rolls, twists, crackers, muffins, or other fancy cakes not intended to represent or pass as a loaf or loaves of bread, and composed of sound and proper materials, and otherwise unobjectionable as aforesaid, and no baker or other person shall sell or offer for sale in the City any bread not in accordance with the aforesaid provisions of this By-law relating to bread.

422. Once at least in every month, at uncertain intervals and without notice, the bread made for sale or exposed or offered for sale by any baker or other person in the City shall be inspected and weighed as in the next section is provided.

423. It shall be lawful for the Mayor, Police Magistrate or any Alderman of the City, or the City Commissioner accompanied by the High Bailiff or one or more Policemen at any time between the hours of six o'clock A.M. and seven o'clock P.M. of each working day of the year to enter into any bakery, house, shop or place within the city, where bread is made for sale, or exposed or offered for sale, and to examine the contents of any bread cart, or sleigh, containing bread for delivery or sale, and to examine the bread found in any such bakery, house, shop or cart or sleigh, and test the same as to purity and wholesomeness of materials and also to weigh one or more loaves found in such bakery, house, shop, place cart or sleigh, and if any loaf is found of less weight than provided in section 421 of this By-law, according to its class, or if it is

found mixed with any deleterious or adulterating or injurious substance or to be mouldy or overstale, or otherwise unwholesome or unfit for human food or in any way to be contrary to the true intent and meaning of the provisions of this By-law relating to bread, then all such loaves as may be so deficient in weight or mixed with any deleterious or adulterating or injurious substance, or mouldy, overstale, or otherwise unwholesome or unfit for human food, shall be seized and forfeited and taken from said bakery, house, shop, place, bread-cart, or sleigh, and the owners of such bread shall be deemed to be guilty of a breach of this By-law, and shall be dealt with accordingly, and the bread shall be destroyed if unfit for human food, or if so fit it shall be sent to the House of Industry for the use of the poor, Provided always that the like regulations and penalties as aforesaid shall in all respect be applicable to and regarding brown bread, and all other breads baked and offered for sale, and provided further that biscuits, cakes, buns, rolls, twists, crackers, muffins or other fancy cakes, as aforesaid, may be of less weight, than is hereinbefore provided, as to loaves, but shall be of as good quality, and shall be included in the term bread.

424. Every vendor of bread shall keep scales and weights suitable for the weighing of bread in a conspicuous place in his or her shop, and every vendor of bread shall, whenever required by any purchaser or purchasers thereof, weigh the bread offered by him or her for sale.

#### TITLE 3—Milk.

##### INSPECTION OF MILK AND OTHER NATURAL PRODUCTS OFFERED FOR SALE.

425. The City Commissioner for the time being shall be, and he is hereby appointed Inspector of Milk, meat, poultry, fish, and other natural products offered for sale for human food or drink, in the City of Kingston, *ex officio*, and without salary as such Inspector.

426. It shall and may be lawful for the said Inspector to examine and inspect all such articles as aforesaid offered for sale for human food or drink wherever the same may be so offered, whether on

the streets or public places and squares, or in shops in the City, and with proper instruments and appliances for the purposes to enter all carriages, carts, and other vehicles, used for the conveyance of any such articles, or from which the same are sold or delivered to purchasers, and the shops or premises of any person or persons, or other place, in which any such articles are exposed or kept for sale, during business hours, and there to examine and inspect any such articles, and to seize and destroy any tainted and unwholesome meat, poultry, fish or other articles of food he may find, and take samples of any milk which may, in his opinion, be adulterated, offered for sale, for the purpose of testing the quality of the same, or of ascertaining whether the same is adulterated, paying or tendering for such samples, their value, if required, out of funds to be provided by this Council.

427. It shall be the duty of every person keeping or offering any such articles of food or drink for sale, whether on the streets, public places or squares, or in shops, in the City, to furnish to and permit the said Inspector to take samples of any such articles as aforesaid for examination or analysis, and any person hindering the said Inspector in the discharge of his duty, or refusing to permit him to examine and inspect, or to take samples of, any such articles, on his paying or tendering their value as aforesaid, shall be deemed guilty of an offence against, and incur the penalties of this By-law.

428. The said Inspector shall keep a record in his office of all dealers in and vendors of milk, meat, poultry, fish and other such natural products, and of all inspections which he shall make from time to time, and the result thereof.

429. It shall be the duty of the said Inspector whenever he has reason to believe any milk or other natural products inspected or examined by him as aforesaid, to be adulterated with water or any other substance, to procure a sample thereof to be analyzed by the proper analyst under the provisions of the Act passed by the Parliament of Canada in the thirty-seventh year of the reign of Her Majesty, and chaptered eight, and prosecute or cause to be prosecuted under the provisions of the said Act, or under the provisions of this By law if applicable to the case, all persons who may be found selling, offering or keeping for sale, any adulterated milk or other articles of human food or drink.

430. No person shall sell or offer for sale skimmed milk for unskimmed milk, or a mixture of the two kinds for unskimmed milk or new milk, or mix water with the milk he sells or offers for sale as pure milk.

431. No person shall expose for sale or market in any public, market, street or public place, any article of human food or drink, adulterated with any deleterious substance.

432. No person shall expose for sale or market in any public market, street or public place any article of human food or drink, knowing the same to have been mixed with any other substance, without first declaring to the intending purchaser such admixture.

433. No expenditure in connection with the enforcement of the sections of this By-law relating to the inspection of milk, meat, poultry, fish and other natural products as aforesaid, shall be incurred by the Inspector without the authority of the Chairman of the Committee on Markets having been first obtained.

434. Nothing contained in the preceding nine sections of this By-law shall be held or construed to relieve any other officer of this Council of any duty now imposed upon him by any By-law or By-laws of this Council.

435. The word milk used in the preceding sections shall mean milk offered for sale as fresh, unskimmed milk, as it came direct from the cow.

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## DIVISION VII.

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### TITLE I—Board of Health.

436. A Board of Health shall be annually appointed by the City Council to consist of the Mayor and Aldermen of the City and six others not members of the Council, which board shall have authority to enforce the laws of the Province providing against infectious and dangerously contagious diseases, and also to take all necessary measures for the preservation of the public

health, and for that purpose shall assemble at such time and place, and as often as they may judge necessary to superintend and direct the execution of all such laws of this Province and of this Council as now are or hereafter may be passed providing against the said diseases, or which relate to the public health of the City, and any three members of the said Board shall be a quorum to transact business.

437. The said Board of Health shall make diligent enquiry with respect to all nuisances and other matters which may exist in the City, which they may deem obnoxious to the health or lives of its inhabitants, and shall have full power to order the removal of the same at their discretion by the owner or occupier of the land upon which the same exists, who shall remove the same without delay and upon the neglect or refusal of such owner or occupier to remove the same within a reasonable time, the said Board representing this Council, and under and with its authority, and in its name, may have the same removed at the expense of such owner or occupier which expense shall be recovered from such owner or occupier, under the provisions of this By-law and of the Municipal Act in that behalf, or such owner or occupier may be punished as for a breach of this By-law, every days default in such removal being deemed a separate offence.

438. The said Board during the existence of any contagious or epidemical disease, or upon a probable approach thereof, shall have power at the public expense to open such place or places as they shall deem proper for the accommodation of the sick, and to make such rules and regulations for their admission, reception and treatment, as they may think proper, and to employ such and so many physicians and nurses, and to procure such nourishment, food and necessities for the use of the sick so admitted as well as for the use of the sick of this City, as they may deem just.

439. The said Board shall have power in their discretion to remove or order the removal of all persons and things within the said City infected by, or tainted with, contagious or pestilential matter, to such place or places as may in their opinion best conduce to the preservation of the health of the City, and in order to enforce a prompt and punctual compliance with the said order, all persons disobeying the same shall respectively be subject to the

penalty provided by this By-law for a breach thereof, and further it shall be the duty of the Health Inspector, the High Bailiff, the City Commissioner, and of the other officers of the City to observe such instructions as may be given them respectively by the said Board touching the duties enjoined upon them.

440. It shall and may be lawful for the Board of Health from time to time, and for such period and at such time and place as they shall think fit to require the keepers of all public houses, hotels, taverns and boarding houses, to make reports of persons sick or deceased therein and also to require all physicians to report the number of persons sick and attended by them and the number of persons deceased who have been attended by them, during the prevalence of any infectious disease or epidemic, and to make such other regulations as the Board may deem proper for the preservation of the public health not inconsistent with the laws of this Province, and every person who shall neglect or refuse to comply with the provisions hereof, and the regulations so established shall be subject to a penalty as hereinafter provided as for a breach of this By-law.

441. It shall be lawful for the said Board to direct some suitable person to be called the Public Health Inspector, by them to be authorized for the purpose, and suitably remunerated, to enter in the day time and examine into any building of any kind, cellar, lot of ground, alley, sink, vault or privy, which they may have reason to believe are foul, damp, unhealthy or ill-constructed, and the said Board may direct the cleansing, altering and amending of the same, and the removal of all nuisances and things dangerous to health in and about the said premises by the owner or occupier thereof who shall without delay cleanse, alter, amend or remove the same accordingly, and upon the neglect or refusal of such owner or occupier to do so within a reasonable time, the said Board representing this Council, and under and with its authority and in its name, may have the same done at the expense of such owner or occupier, which expense shall be recovered from such owner or occupier under the provisions of this By-law and of the Municipal Act in that behalf; or such owner or occupier, may be punished as for a breach of this By-law, every days default being deemed a separate offence, and the

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Health Inspector, the High Bailiff, the City Commissioner, and other officers of the City shall from time to time report to the Mayor, Council or Board of Health, all such buildings, cellars, lots, alleys, sinks, vaults or privies, public or private, docks or slips, as may in his or their judgment require to be cleansed, altered or amended for the security of the health of the City.

442. It shall be lawful for the said Board of Health to direct any stagnant waters to be drained off or removed from any lot by the owner or occupier thereof, and if any owner or occupier of ground on which any such stagnant water may be, shall omit to obey the directions of the Board with regard to its removal or draining off such offender shall be liable to the penalty and costs provided for a breach of this By-law, or said Board, representing this Council, and under and with its authority, and in its name, shall have authority at their election to enforce and put in execution the direction so given at the expense of the offender to be recovered as aforesaid, or to prosecute the offender under this By-law, every days default in such draining or removal being deemed a separate offence.

443. It shall be lawful for the said Board of Health to prohibit the use of such vats, pits or pools of standing water, whether by tanners, skimmers, dyers or other persons, as they may deem dangerous to the public health, and to order the removal of the same, and the same shall thereupon without delay be removed by such owner or occupier, and upon the neglect or refusal of such owner or occupier to remove the same, the same may be removed at the expense of such owner or occupier by the said Board as representing this Council, and under and with its authority and in its name, which expense shall be recovered from such owner or occupier under the provisions of this By-law, and of the Municipal Act in that behalf, or such owner or occupier may be punished as for a breach of this By-law, every days default being considered a separate offence.

444. Whenever any putrid or unsound beef, pork, fish, hides or skins of any kind or any putrid or unsound substance, whether animal or vegetable, shall be found in any part of the City, it shall be the duty of the said Inspector, the High Bailiff, the City Commissioner, and other officers of the City, to cause the same to be

destroyed or to be disposed of in such other manner as may be equally secure as respects the public health, and if any person shall resist the Inspector, High Bailiff or other officers of the City in the execution of the duties hereby imposed, or shall disturb, hinder or molest them therein, such offender shall be liable to be punished as for a breach of this By-law.

445. The appointment of such Board of Health shall be in this Council, and shall take place at the first meeting of the Council in January, each and every year, or at the first general meeting of the Council which shall be thereafter held.

#### TITLE 2—Nuisance.

446. No person shall cause or commit a public nuisance.

447. No person shall suffer or permit any stagnant water or any decaying, putrid or unwholesome substance to be or remain on his lot, or in his house, cellar or yard, or in any out-building or place of his, or which he leases or occupies, and no person shall permit or suffer the undue or unwholesome accumulation of any dung, manure, night-soil, offal, filth, refuse, cinders, ashes, litter or other offensive matter or thing in or upon his premises, or upon any vacant lot belonging to him, or which he leases or occupies, and every such person shall remove and abate the nuisance upon notice from any officer or member of the Board of Health, or from the Health Inspector, City Commissioner, High Bailiff, or any member of the police force, and any person who shall neglect or refuse to remove or abate such nuisance forthwith within twenty-four hours, shall be deemed guilty and shall be dealt with as for a breach of this By-law, each days default being considered a separate offence.

448. No person shall deposit or throw, or cause to be deposited or thrown, any snow or ice, dung, manure, night-soil, urine, dirt, filth, carrion, dead carcase, dead animals, or part of a dead animal, bones, offal, kitchen or other refuse, sweepings, rubbish, or slops, or garbage of any description whatsoever, decayed fruit or vegetable, or other nuisance, in or upon any public street, park, square, market, lane or public place, or in or upon any street,

square, park, lane, alley or place open to common or public use, or into or upon any open drain or open watercourse, or in or upon any wharf, or into the harbour or slips thereof, or along or upon the shore or margin of the said harbour or slips, or upon the ice within the limits of the said harbour or slips, in the City, and any person so doing shall forthwith and within twenty-four hours remove the thing deposited or thrown as aforesaid on being notified so to do by any of the officers of the said City, or by any member or officer of the Board of Health, or Police Constable, each days default therein being a separate offence, Provided that the City Engineer may permit snow to be properly spread on any street, lane, alley or place.

449. No person shall permit or allow any such things, as in the two preceding sections are mentioned, to remain in any public street, lane, or public place opposite the property occupied by him for a greater time than may be sufficient to have the same removed in, and not more than twenty-four hours after having been notified to remove the same, as hereinafter mentioned, and each days default therein shall be deemed a separate offence.

450. No person shall place and leave unburied or insufficiently buried upon or in any common or field or place within the City any dead carcase of an animal or any animal remains.

451. Any person acting contrary to the provisions of the last preceding section shall forthwith, upon request of any officer of the City Council or Board of Health or of any Police Constable, sufficiently bury such carcase or remains or remove the same to the common nuisance ground of the City, to be there buried, and in default shall be deemed guilty of a breach of this By-law and shall be dealt with accordingly.

452. It shall be the duty of every person owning or occupying premises in the City forthwith, within twenty-four hours, to remove and clear away from the sidewalks, streets and public places adjoining such premises, all such things as in sections 447 and 448 of this By-law are mentioned upon being notified to do so by any member of the Police Force or officer of the City or of the Board of Health, Provided that if any such things be placed equidistant between two opposite properties owned by different persons, either of such persons may be made amenable

under this By-law (unless one of them is proved to have been the actual offender who has caused the nuisance), and each shall bear and pay an equal share of the expense of removal unless one of them is proved to be the actual offender who has caused the nuisance, and when the actual offender who has caused the nuisance is known he alone shall be prosecuted under this By-law or be liable to such expense of removal as aforesaid, and each day's continuance of the nuisance after notice to remove it as aforesaid, shall be a separate offence and shall be dealt with accordingly, Provided also that all such nuisances as are in the last six preceding sections mentioned, may be abated or removed at the expense of the person who should abate or remove the same upon his making default, under the provisions of this By-law, and of the Municipal Act, by this Council, and this Council may recover such expense of abatement or removal under the said provisions, or the offender may be proceeded against as for a breach of this By-law, and each day's default shall be deemed a separate offence as aforesaid.

453. The owner or occupant of any tenement used as a dwelling house or of any other building with which there is a privy connected and used shall furnish the same with a sufficient covered vault or pit under ground, and the vault or pit of every such privy shall be sunk to a depth of not less than four feet from the surface, and shall be built in the manner hereinafter prescribed, and such owner or occupant shall maintain and keep the said privy vault clean, unobstructed, and in efficient order at all times.

454. All privy vaults shall be built of stone, brick or two-inch pine, hemlock, cedar or oak plank, and shall be made water tight so that the contents thereof cannot escape therefrom except through a properly constructed drain, and shall be placed as far distant from any well or water tank on the premises and from the public street as possible, and shall not be placed within twenty feet of any such well or tank or street.

455. No person shall erect or place, or cause to be erected or placed, or continue erected or placed, or permit to be continued, erected or placed, any privy above or over any open drain or water course, or in or above or over the waters of the harbour or slips.

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456. There shall be connected with every dwelling house and building, where the same may be needed, a suitable privy, vault or pit, covered and built and placed as aforesaid, and the owner, agent, occupant or the person having the care of any such dwelling house or building shall provide such privy, vault or pit, and shall maintain and keep the same clean, unobstructed and in efficient order at all times, and whenever any privy, vault or pit shall become offensive or obstructed, or shall need to be cleaned out, the same shall be cleaned out and put in efficient order, by such owner, agent, occupant, or person, and the owner, agent occupant or other person having charge of the property in which any privy, vault or pit may be situated, the state or condition of which may be in violation of the provisions of this By-law relating to nuisances shall remove, cleanse, alter, amend, repair and put in order the same within a reasonable time after notice to that effect given by any city officer, member or officer of the Board of Health or police constable, and in case of neglect or refusal this Council may cause the same to be removed, cleansed, altered, amended, repaired and put in order, in such manner and to such an extent as may be needful or necessary, at the expense of such owner or occupier under the provisions of this By-law, and of the Municipal Act in that behalf, and may recover such expense from its owner or occupant or agent or person having charge as aforesaid under said provisions or the offender may be proceeded against as for a breach of this By-law, and each days default shall be deemed a separate offence.

457. It shall not be lawful for any person to remove through the public streets night soil or the contents of any privy vault or pit, or any night tub or urinal, except between the hours of twelve o'clock at night and three o'clock in the morning following, and water tight and proper vessels and receptacles, well covered, shall be used for the removal of the same so that none shall fall or drop on the public streets or places, and it shall not be lawful for any person to empty, cast or lay down, any night-soil or the contents of any privy, vault or pit, elsewhere in the City than in the place appointed by this Council as the common nuisance ground of the City.

458. All privies and privy vaults or pits shall be properly enclosed and built and roofed over and ventilated, and shall be

thoroughly emptied and cleaned in the month of February in each year, or oftener if necessary, as hereinafter provided, and the contents placed in the place appointed by this Council as the common nuisance ground of the City as aforesaid.

459. It shall not be lawful for any person to deposit or allow to fall and remain upon any land or lot within the said City except in the common nuisance ground aforesaid any night soil or the contents or cleanings of any privy vault or pit, night tub or urinal. Provided that nothing herein contained shall prevent the use of such things as manure in a proper manner, and provided that nothing herein contained shall prevent the emptying of any night tub or urinal into a privy.

460. No privy, vault or pit shall be opened between the first day of May and the first day of October in each year unless upon inspection made by the proper officer he shall be satisfied of the necessity of opening and cleaning the same for the health and comfort of the inhabitants in the neighbourhood, and in such cases no more of the contents shall be taken away than such officer shall deem to be absolutely necessary for present safety and relief and all necessary precautions shall be used to prevent and neutralize any offensive effluvia or smells, and such removal and the said precautions shall be made and taken by and at the expense of the owner or occupier, agent or person in charge as aforesaid, and may be recovered as aforesaid.

461. All stables and places where animals are kept shall be well and thoroughly cleaned once in each day at least and shall be well ventilated and kept and maintained.

462. Every butcher or other person immediately after killing any beeves, calves, sheep, pigs or other cattle, shall remove or destroy the offals, garbage and other offensive and useless parts of the same, or convey the same to the public nuisance ground.

463. Every vacant lot or part of a lot situate in any part of the city which this Council by a resolution may declare to be a nuisance, shall be enclosed and kept enclosed with a good and sufficient fence not less than six feet in height from the surface of the ground or of the pavement or sidewalk, to be constructed to the satisfaction of the City Engineer, and a penalty with costs as provided in and by this By-law shall be imposed upon the owner or tenant

of such lot or part of lot for every day he may neglect to make or maintain the said fence after being notified to that effect by any officer of the City Council or member of the Police Force.

464. The owner or occupant of any land in the City, upon or in which there is a pit, precipice, deepwater or other place dangerous to travellers shall fence in the same with a strong and sufficient fence at least six feet high as aforesaid satisfactory to the City Engineer and keep and maintain the same so fenced in for the protection of travellers.

465. No person shall make, sink or excavate any tan vats, or erect or continue any buildings for the purpose of a tannery, or carry on or continue the trade or business of a tanner, or erect, have or keep or continue any slaughter-house or other building in the said City for the purpose of slaughtering any cattle, swine or other animals therein, which may prove to be nuisances, and no person shall continue any such tannery or slaughter-house or other building for the purpose of slaughtering any animal therein, which may prove to be a nuisance, for the space of one week after having been notified by the High Bailiff or other officer of this Council, or by any member of the Police Force to discontinue the same, and such person shall remove the same after receiving such notice within the said period, and any such person making default in so doing shall be deemed to be guilty of a breach of this By-law, and every day any such tannery, slaughter-house or building as aforesaid shall be continued after the expiration of the said period as aforesaid shall be deemed to be a separate offence against this By-law.

466. No person shall build, erect, maintain, continue or use any slaughter-house, building, yard or premises for the purpose of killing beeves, calves, sheep, pigs or other animals therein unless such slaughter house, building, yard or premises is situated at least sixty feet from any public street or thoroughfare, and at least two hundred feet from any residence or dwelling except that of the owner of such slaughter house, building, yard or premises, and unless that such slaughter house, building, yard or premises is, and continues to be in no manner injurious to health or offensive to the extent of being a public nuisance. Provided that nothing in this section contained shall be held to permit or authorize any person to cause or commit a private nuisance.

467. Every slaughter-house, building, yard or premises so used shall be kept well drained and ventilated and shall be cleansed regularly each day, when killing has been done therein and the offal removed or disposed of by the owner or occupier so that no offensive effluvia may arise, and every such slaughter-house or building so used as aforesaid shall, by the owner or occupier, be lime white-washed inside at least once in each month between the first day of April and the first day of November, and shall also be supplied with a hydrant pump or well having a sufficient supply of water for the purpose of keeping the same clean and free from smell, and such owner or occupier shall also whenever necessary or upon the request of any Officer of the City Council or Police Constable use therein quicklime and other disinfectants of sufficient quantity to prevent offensive smells and injury to health.

468. It shall be unlawful for any person to keep and no person shall keep or allow to be kept in or upon his place pigs or swine, or erect, keep or continue or permit on his place pig-styes or piggeries, so as to cause a nuisance, or to be likely to cause a nuisance, within the limits of the City of Kingston.

469. No person shall erect, keep, continue or maintain any pig-stye or piggery at a less distance from any public street or place than twenty feet.

470. No person shall keep at any time in any one place more than one pig-stye or piggery.

471. No person shall keep in any pig-stye or piggery at any one time more than four pigs or swine, and every person keeping a pig-stye or piggery shall keep the same clean at all times and well enclosed and drained and allow its inspection by any officer of this Council or of the Board of Health or police constable.

472. No person shall keep nor shall there be kept within the limits of the City of Kingston any cow or cows or other horned cattle, or any cattle byre, stable, yards, or other enclosure for keeping horned cattle, except under and subject to the following provision, regulation and condition:

(1) All stables, byres, yards and other enclosures where cattle are kept shall be properly constructed, ventilated and kept clean to the satisfaction of the City Commissioner, Public

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Health Inspector, or such other officer as the Council may from time to time appoint to inspect the same, and they shall be open and subject to inspection by said Commissioner, Inspector or other officer at all times in the day time.

(2) The above rule and regulation shall not be construed to prevent properly fenced vacant lots in any part of the City being used as pasture land or as a paddock, and the word "cattle" shall not be construed to include horses.

473. Any person who shall or may have any stable or cow-house in the City, shall not have the access thereto directly from any public street, square or thoroughfare of the said City, except by a gateway leading thereto, through a yard or the interior of the premises, and no person shall have any door, wicket or gate of any such stable, or cow-house, or other building, yard, garden, or lot, or other premises, opening outwards on any of the said public streets, squares, or thoroughfares of the said City, and if any person has any such door or gate, so opening outwards and shall neglect or refuse to remove or alter the same so as to make it open inwards on the premises to which it may belong after being notified by the High Bailiff, or City Engineer, or City Commissioner so to do, he shall be deemed to be guilty of a breach of this By-Law, and shall be dealt with accordingly, and every twenty-four hours the same shall remain unremoved or unaltered, as aforesaid after the offender shall have been notified as aforesaid, shall be deemed to be a separate offence against this By-Law.

474. No person shall milk or feed or pasture any cows or other cattle, sheep, goats, pigs or geese, or feed or pasture or groom any horses on any of the public streets or sidewalks or public places of the said City, or permit or suffer any cow, pig or other animal, to be or remain upon any side-walk within the said City.

475. It shall not be lawful for any persons to assemble and meet together for the purpose of holding a charivari, whether in disguise or otherwise, nor for any persons to meet in or march through any street or public place in disguise or in masquerade with design to hold any such charivari, nor for any person or persons to visit or enter the place or residence of any newly married persons with intent to hold a charivari or to demand or

extort money, provisions, refreshments or any other thing of value from any such newly married persons.

476. It shall not be lawful for any number of persons to meet or be together in any street or public place after dark with their faces or bodies concealed or in disguise or with fire arms, weapons, clubs or missiles of any description, for any purpose whatever, unless under the command of the civil or military authorities.

477. It shall be lawful for the Mayor, the Police Magistrate and Aldermen or any constable to take up and arrest any person who shall belong to or be found taking part in any such unlawful meetings or assemblages of persons as are above mentioned and to detain such person in custody until delivered to bail or tried before the Police Magistrate or other justice having jurisdiction for his offence.

478. It shall not be lawful for any person to resist, hinder or ill-treat the Mayor, the Police Magistrate, any of the Aldermen, any Constable or any person assisting them, or either of them, while dispersing any such unlawful meeting or assemblage, or while arresting or detaining in custody any person offending against sections 475 and 476 of this By-law.

479. It shall not be lawful for any person to ring a bell, blow a horn, shout or make any unusual noise or noises in any street, square, or public place, Provided that auctioneers may use a hand bell when about to sell or selling anything by public auction in front of their premises, and provided also that milkmen may use a hand-bell in pursuing their calling.

480. It shall not be lawful for any person to fire off guns or other fire-arms in any public street, square or place in the said City.

481. No person without lawful authority shall climb or remain on any lamp post, telegraph or telephone pole or trees in the City, or on any fence of any park, square or public place in the City, or on any of the railings or fences along any of the public streets, parks or places of the City.

482. Books shall be kept in the City Clerks office in which may be entered all complaints relating to nuisances, and such complaints shall be immediatly enquired into by the High Bailiff,

Health Inspector or City Commissioner, and a report thereon made to the Mayor and Police Magistrate.

483. It shall be the duty of the City Commissioner, assisted by members of the Police Force, to make periodical inspections of the City, in the months of May and November in each year, and to cause the provisions of this By-Law relating to nuisances to be carried out, and to report from time to time to the Mayor or City Council the result of such inspections.

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**TITLE 3—Vaccinating Offices.**

484. The places hereinafter in this section named are hereby appointed and established as the vaccinating offices in the several wards in the city of Kingston, namely:

Cataraqui Ward—Dr. Thomas Fenwick's Office.

Frontenac Ward—Dr. Wm. H. Henderson's Office, St. Lawrence Ward.

Ontario Ward—Dr. Saunders' Office.

Rideau Ward—Dr. Samuel H. Fee's Office.

St. Lawrence Ward—Dr. Thomas R. Dupuis' Office.

Sydenham—Dr. K. N. Fenwick's Office.

Victoria Ward—General Hospital.

485. The medical practitioners appointed, or to be appointed to vaccinate for the several wards shall respectively attend for that purpose at the said places in their said wards respectively at the hours and times following, that is to say, on Monday, Wednesday and Friday in each week, between one o'clock and two of the clock in the afternoon of the said days.

486. The Mayor is hereby authorized and required on behalf of the City Corporation to contract from time to time as may be necessary for one year at a time with seven lawfully qualified medical practitioners resident in the city, one for each ward to attend at the said places, in the said wards respectively, at the said times, and vaccinate such persons as then present themselves, or as may then be presented there for that purpose, and that the full remuneration fixed by the statute passed in the twenty-fourth year of Her Majesty's Reign chapter twenty-four, be allowed to

said medical practitioners payable as is provided in the said statute, and that in addition each medical practitioner so to be appointed, shall be allowed five dollars annually wherewith to procure vaccine matter for the said purpose. Provided that the names of all such medical practitioners shall be submitted to the City Council for approval before such contracts are entered into, and provided that such contracts shall be in accordance with the said statute.

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**TITLE 4—Interment of the Dead.**

487. No dead body of any deceased person shall be interred or buried in any place within the limits of the City of Kingston, Provided that nothing herein contained shall render unlawful interments made within the walls of churches or buildings in actual use as places of public worship.

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**DIVISION VIII.**

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**TITLE 1—Streets.**

488. No person shall ride or drive any horse or horses or other beasts through any of the public streets, squares, wharves or thoroughfares of the City at an immoderate rate, nor shall suffer the same to run or remain loose or at large, nor to stand in any public street or place without being sufficiently secured or tied to prevent their running away.

489. No person riding or driving any horse or horses or other beasts, shall race with any other horse or other team or seek or try to pass the same at an immoderate or dangerous pace, or gallop any horse or other team in any public street or place.

490. No person shall lead, ride or drive, propel, push or draw any horse or vehicle, cutter, sleigh, sled, hand cart or wheelbarrow, bycicle, tricycle or velocipede, or any cart, waggon or carriage wheel on any public sidewalk of the City except at the entrance to a gateway in crossing such sidewalk to pass through such gate-

way, nor suffer the same to remain thereon, and no person shall place or fasten any horse or horses in such a way so that the reins shall form an obstacle to the free use of the sidewalk, or keep any horse or vehicle standing upon any public crossway, for foot passengers over any street or thoroughfare. Provided that nothing in this section contained shall apply to children's carriages.

491. No person shall place, operate or run, in any public street any road engine, steam traction engine or steam motor without leave of this council having been first obtained.

492. No person shall place or cause to be placed any cask, barrel, hoghead, puncheon, box, basket, package, bale, furniture, waggon, cart or other vehicle without horses, wood, stone, brick, plank, boards, or other obstruction, article or thing whatsoever in or upon any public street, place, pavement or sidewalk in the city so as to incommode or obstruct the public in the free passage or use thereof, except when any such article is being actually moved or transported across or along such street or place or across a sidewalk or pavement and except as in this By-Law is provided.

493. Persons contravening the last preceding section shall remove the things placed on any such street or sidewalk therefrom forthwith on notice by any officer of this Council or member of the Police force.

494. No person shall place or cause or permit to be placed any materials for building or to be used in any building, on any public pavement, sidewalk or crossing of the City and every person engaged in erecting or repairing any house shall keep and maintain strong and sufficient scaffolding to prevent injury to foot passengers, with its supports so placed that as little obstruction to traffic as possible shall take place, and also shall keep and maintain all openings or excavations sufficiently fenced and lighted and secured to prevent any such injury, and shall during the time of erection of any such building cover the pavement or planking on the sidewalk with good and sufficient planks to protect the same from injury, or take such other precautions for the preservation thereof as the City Engineer shall direct.

495. No person shall occupy with building materials more than one-half of any public street of the City whether there be one contractor or more than one contractor engaged in the erection of

the building, (and in case of buildings being erected opposite each other not more than one-third of the street or each side shall be occupied) nor shall such building materials be placed in front of any adjoining house, building or premises, but only opposite the site of the building being erected or repaired, and then only during such time as may be indispensably necessary from time to time for carrying on or completing the work.

496. Before so placing any such building materials or excavating any earth or stone in any public street or place every person about to build, or contractor, or master workman concerned in the building or work who shall desire to occupy a part of the public street or place with building materials as aforesaid, or to make an excavation in or adjoining any public street or place, shall before so doing notify the City Clerk of such his intention, and with two sureties enter into a bond to the Corporation of the City as is hereinafter provided, in which bond shall be stated the time during which such street may be occupied.

497. From and after the passing of this By-Law any person intending to open or enlarge or repair a drain or make an excavation or lay down building materials in or obstruct in any way in connection therewith, or with any building or other work a public street or highway or public square or public place of this City, or erect scaffolding or ladders, or gangways, or poles, cranes or hoists, or other obstruction therein, shall before so doing enter into a bond to this Corporation with a condition according to the form following with two good and sufficient sureties the said person in five hundred dollars, and the said sureties in two hundred and fifty dollars each, and said condition may be adopted to each particular case by such change in the phraseology thereof as may be necessary, and no person, unless he or she has with his or her sureties as aforesaid duly entered into the bond aforesaid conditioned as aforesaid, shall proceed to open or make, enlarge or repair a drain, or make an excavation, or lay down any building materials in or obstruct in any way in connection therewith, or with any building or other work any public street or highway, or public square or public place of this City, or erect any scaffolding or ladders, or gangways or poles, cranes or hoists, or other obstruction therein, and it shall be the duty of the City Clerk to prepare

such bond and procure its due execution by the proper parties in each case, and unless the conditions above mentioned have been duly complied with it shall be unlawful for any person to do any of the matters or things hereinbefore mentioned in any public street or highway, or public square, or public place of the City and any permission to do the same which may have been granted to any such person shall be of none effect, and shall so remain until such bond has been duly entered into, and the City Engineer shall be responsible to this Council for seeing that this and the three next preceding sections of this By-Law are duly observed and enforced in all cases. Provided that in unimportant cases the Mayor may by written minute dispense with the Bond aforesaid or lessen the amount of the penalty.

FORM OF BOND REFERRED TO IN ABOVE SECTION.

Know all men by these presents that we  
of the City of Kingston, in the Province of Ontario,  
of the same place,

and

same place, of the  
are held and firmly bound into the Corpor-  
ation of the City of Kingston in the penal sum of one thousand  
dollars of the lawful money of Canada in manner following, that  
is to say, the said  
in the sum of five hundred dollars, and the said

and in the sum of two hundred  
and fifty dollars each, to be paid to the said the Corporation of  
the City of Kingston, or their certain attorney, successors or  
assigns, for which payment to be well and truly made, we sever-  
ally bind ourselves, our heirs, executors and administrators firmly  
by these presents sealed with our seals.

Dated this                      day of                      18

Whereas the above bounden                      is about to  
in                      street, in the said

City of Kingston, now the condition of the above obligation is  
such that if the said                      his executors, administrators,  
and assigns, do and shall at all times, well and truly, and in a  
good, sufficient and careful manner guard, fence, light and protect  
the said                      and provide sufficiently

and carefully for the safety and protection of the public and their property in respect to the said and do and  
shall at all times maintain and keep the said  
in such good and sufficient and carefully protected state, and so guarded, lighted, fenced and protected as aforesaid, and also provide sufficiently for the protection and safety of the public and their property until (*such drain or excavation has been completed, and the same duly covered in and filled up, and the said street has been restored to its former and usual state, or until the said building materials have been used or entirely removed from the said street, together with all erections or constructions in the said street connected with the work, such as receptacles for lime water and mortar, scaffold- and other things have also been entirely removed, and the said street restored to its former and usual state,*) and also if the above bounded his executors, administrators and  
assigns do and shall prosecute the work so that the same shall be finished within from the date hereof, and also  
shall not occupy at any time a greater part of the street than is authorized by this By-Law, and also do and shall without delay on the completion of the works restore the said street to its former state of repair, and so maintain the said part in repair for six months thereafter and efficiently repair, replace and make good the board-walks and side-walks in the said street which may have been injured, broken or removed during the course of the work and also do and shall at the completion of said repairs remove all debris, together with the materials used for fencing and protection, and also if the said his heirs, executors  
and administrators do and shall at all times well and truly save harmless and indemnified the said the Corporation of the City of Kingston and their successors and assigns off, from and against all and every action and actions, suits, proceedings, losses, damages, demands, claims and costs which may be brought or prosecuted against the said the Corporation of the City of Kingston, or their successors, or which they or either of them may feel called upon to pay, or which may be recovered against them or either of them for or on account of or by reason of any injury or damage sustained by any person or by the property of any person, or for or on account of or by reason of any damage or injury done to the said street or the said board-walks or side-

walks in consequence of or connected with, or arising from the *(opening or making of any such drain or excavation in or the laying down of such building materials in or obstructing in connection there with the said street, or in consequence of or in connection with any building or other work being there erected or done, or in consequence of or arising from the acts or negligence of the said his employees, executors, administrators or assigns in or in connection with any such work)* and also do and shall well and truly repay and reimburse on demand to the said the Corporation of the City of Kingston, or their successors, all such outlays, losses, damages, payments and costs as aforesaid. Then the above obligation to be void, otherwise to be and remain in full force, effect and virtue.

Signed, sealed and delivered }  
in presence of }

[L.S.]  
[L.S.]  
[L.S.]

498. On default being made in the observance of any part of the said condition of said bond this Corporation besides the remedy on the said bond, shall be at liberty to take such other proceedings, summary or otherwise, as they may be advised, or as they may be entitled to take.

499. Hereafter, subject to any provisions contained in this By-Law, it shall not be necessary to obtain the permission of the Council to lay down building materials or to make a drain, or do other necessary work in the streets in this municipality, but in lieu thereof the party intending to do so shall previously give a written notice of his or her intention to the City Clerk and enter into a bond as above provided.

500. The building materials, stones or earth to be placed in any public street or place as aforesaid shall be enclosed, if required by the City Engineer or Chairman of Committee on Streets, with a strong and sufficient fence at least four feet high to enclose such materials and protect the public during the necessary period they are required to be used about any house or erection, or to remain in such street or place, which fence is to be made to the satisfaction of the City Engineer, and no wood or stone, or earth, or other material shall be placed in the street for such house or erection except within the limits of the said fence.

501. Hereafter no cut stone or lumber shall be manufactured in the public streets or thoroughfares, but the same shall be dressed either on some part of the lot or premises to be built upon or previously prepared by the contractor, or master workman on his own premises.

502. Every person who in the excavation of any cellar, area, drain, pit or well, may deposit the stones, earth or rubbish therefrom on the public street shall remove the same as fast as the same is dug out or excavated, or on notice from any officer of the City Council or of the Police Force, and in case of any excavation in or near a public street, place or thoroughfare, shall at night, except in clear moonlight, sufficiently light, and keep the same provided with a light, and shall also enclose or secure the same from the commencement to the completion by a fence sufficient to protect the public from injury, and no person shall leave unlighted as aforesaid, uncovered, uninclosed or unfenced, any cellar, area, drain or other excavation whatsoever, whether now or hereafter to be made upon any lot or parcel of ground whether occupied or unoccupied, near any public street or thoroughfare, or in or upon any public street, place or thoroughfare, so as to endanger the safety of passengers.

503. All persons and corporations having occasion to dig or excavate in any public street, sidewalk or place in the City shall forthwith when such digging or excavating is completed re-lay, re-make and restore the part of the street, sidewalk or place so disturbed, so that it will be in as good a condition as it was in before such digging or excavating took place, and shall keep such part in repair for a period of six months thereafter, in default whereof this Council may do the work at the expense of the person or corporation so making default, and recover such expense from such person or corporation under the provisions of this By-Law and of the Municipal Act in that behalf, or may proceed against such person as for a breach of this By-Law, every week's default to constitute a separate offence.

504. Every owner or occupant of a house or proprietor of an unoccupied house having cellars or areas adjoining on any public street, place or thoroughfare shall secure and maintain such openings with strong and sufficient trap-doors or iron gratings,

on a level with the foot pavement or regular side-walk, and subject to the inspection and approval of the City Engineer, and all such doors and openings shall be kept shut except for immediate use and while in use, and that use shall be only by day-light, and all such doors and openings shall while open be in charge of some intelligent person to warn passers by.

505. Hereafter no cellar or other door or area whatsoever shall be constructed in or across any side-walk or public street or place. Provided that it shall be lawful to construct cellar windows which shall not encroach upon the side-walk or street more than eighteen inches beyond the line of the house to which they belong, provided that the same shall at all times be covered with a strong and substantial iron grating, and it shall also be lawful on permission first had from the City Council to place circular gratings not to exceed eighteen inches in diameter on the sidewalks and level with the surface, but all persons making or placing such cellar windows or gratings shall give a bond of indemnity, with sureties to the said Corporation as aforesaid with a penalty and a condition suitable to the case.

506. No person shall excavate for any drain in any of the public streets or squares of the City without first having with his sureties entered into a bond to the said Corporation as aforesaid, and having also first paid one year's rent in advance for the use of the drain to be entered according to the provisions of this By-Law relating to sewers and drains, and no excavation shall be begun (or if begun may be stopped by any member or officer of the City Council) until the said conditions have all been complied with.

507. No person shall cart, carry or transport sand, stones, dirt, manure, rubbish, or any loose, fluid, or semi-fluid material across or over any public street, or square, or place, in any cart, waggon or other vehicle in such a manner that any portion of the load may or shall spill, fall or be scattered on the street, nor shall any person draw any timber or any other heavy article so that the same or the end or other part of the same shall drag on any public street, place or sidewalk.

508. The owner, occupant or person in possession of every house, or building, or occupied lot, shall cause the sidewalk opposite his house, building, yard and garden attached to be

properly swept and cleaned, and if any such house or yard and garden attached should form the corner of two streets, the sidewalks on both streets shall be so swept and cleaned.

509. No person shall break or train horses, run or assist at or take part in horse races, or races by men on foot, play at any game of shinty, or ball, cricket or lacrosse, or at any game or sport with a ball or otherwise, or fly a kite, or play at quoits, or use any bow and arrow or catapult, or play at pitch and toss, or throw any hammer, bar, shot, bullet, stone, snow-ball or other missile in any of the public streets, or sidewalks of the City.

510. No person shall set, urge on or encourage dogs to fight in any public street, square or place in the City.

511. No person shall kill or slaughter any animal in any public street, square or public place in the City.

512. No person shall throw any dirt, filth, ashes, cinders, slops, refuse or other castaway matter, or thing, or carcasses of animals, or rubbish in or upon any public street, sidewalk, crossing, road, lane or highway. Provided always that the sprinkling of ashes or salt on slippery places on the sidewalk for the purpose of preventing pedestrians from slipping shall not be deemed an infraction of this By-Law.

513. No person shall scatter or throw in or upon any public street, sidewalk or place, or shall stick or fasten upon any such sidewalks any bills, hand-bills, dodgers, notices or advertisements, printed or written, and no person shall print or otherwise make any letters, or device, on any public sidewalk.

514. No person shall put, place or throw any fog signals, explosive bombs, or other explosive thing or matter on or upon any street or other railway track in any public street or place, or on or upon any public street or place.

515. No person shall set fire to kindle or burn any brush, straw, chips, shavings or other matter in any public street or place.

516. No person shall pile cordwood, or firewood, or cast, or saw any timber, lumber or other wood, or deposit coal or charcoal in or upon any public sidewalk, street or place in the City,

or otherwise obstruct the same. Provided that fuel, wood and coal, and charcoal may be deposited in the street opposite to the premises occupied by the person to whom the same is being delivered, but not on the sidewalk, and all such wood, coal and charcoal shall be forthwith removed by such occupant to his premises. Provided always that fuel wood may remain a reasonable time for the purpose of being sawed, but shall be piled close to the sidewalk.

517. No person shall obstruct any public sidewalk, street or place by placing ladders or other obstructions across or in the same, except in cases of building, repairs, or fire.

518. No person shall put any stud-horse, or bull, or boar, or other male domestic animal to cover a mare, cow, sow, or other female domestic animal in and public street, square, lane or place in the City.

519. No person shall sing ballads or songs, or do any other thing or act in any public street, square, sidewalk, or place in the City in such a manner or wise as to attract a crowd and obstruct the thoroughfare. Provided that this section is subject to the provisions of the clauses of this By-Law relating to licensed auctioneers.

520. No person shall play any organ or other musical instrument in any public street or place before the hour of nine o'clock in the forenoon or after the hour of six o'clock in the afternoon, or so as to attract a crowd. Provided that this section shall not apply to bands of music attached to processions, or going to or returning from excursions, or playing in the parks, or in any public square, or to any military bands.

521. No butcher or other person shall hang up, suspend or expose any carcase, or any lesser or other part of any animal in any public street or place.

522. No person shall dig up or remove in or from any public street, park, square, lane, alley or place in the City any turf, sod, earth, stones, gravel or grass.

523. No person shall sprinkle, spread or place salt brine, pickle or other like substance, or salt mixed with water, or other liquid, or anything to melt snow or ice on any public sidewalk or street,

or place, with the intent and for the purpose of dissolving any snow, ice or dirt, or otherwise. Provided that salt may be sprinkled on slippery places on the sidewalks to prevent pedestrians from slipping.

524. No person shall pour or throw any water or other liquid upon any public street, place, pavement or sidewalk, (except clean water for sprinkling and cooling purposes in the summer time, between the month of May and the month of November following.)

525. No person shall make or use any ice or snow slide in or upon any public street or sidewalk in the City, or skate upon any sidewalk.

526. No person shall coast or ride rapidly down any declivity in any public street or sidewalk in the City, in or upon any coasting or other like sleigh, or sled, or in or upon any toboggan, or in or upon any other vehicle or thing, or rapidly push any such down any such declivity.

527. No person shall cast or throw into any of the drain or sewer grates, or into any drain or sewer in the City any wood, stones, dirt, rubbish, earth, refuse, night soil, urine, or filth of any kind, or other substance or thing which may obstruct or injure the same, or be injurious to health, or offensive to the public, or contrary to cleanliness. Provided that nothing in this section contained shall effect the ordinary and proper use of drains.

528. No person who is in charge of or driving any cattle or other animal in the public streets or place of the City shall allow the said cattle or other animals to loiter or stop to graze or feed in such public streets or places.

529. No person shall stand his horse or team and vehicle across any public street or thoroughfare, except when unloading, and shall then keep as close to the sidewalk as possible.

530. Teams by which grain and produce or other articles are being delivered shall not obstruct or block up the public street, but shall be ranged close to the sidewalk in single file and shall be retired when unloaded.

531. The Act of the Legislature of Ontario, intituled "An Act to regulate the travelling on Public Highways and Bridges,"

(Revised Statutes of Ontario, chapter one hundred and eighty-three) shall further regulate the driving and riding of horses and other cattle, and the conveyance of traffic in the public streets and thoroughfares of the City.

532. No person shall perform or practice rope-walking or other gymnastic or athletic feats, or assist at the same in any public street, square or place in the City.

533. No person shall have, hold or exhibit any show or exhibition of any kind whatsoever, or have or hold any dramatic or musical performance or other entertainment in any public street square or place in the City, or erect or place for the same in any such public street, square or place any booths, tents or other constructions or erections of any kind whatsoever, and all such booths, tents, constructions or erections shall be forthwith removed by the offender, and on his default in removing the same forthwith, the same may be removed by this Council, and such offender shall be liable to the penalty provided for a breach of this By-Law.

534. Persons shall not stand in a group or near to each other in any public street or sidewalk in such a manner as to obstruct a free passage for foot passengers after a request to move on made by any Police Officer, Police Constable or any officer of the City Council, and no person shall crowd or jostle other foot passengers on any public street or sidewalk or place, so as to cause discomfort, disturbance or confusion.

535. No person shall in any public street or place in the City importune another to travel in or employ any vessel or vehicle, or go to any tavern or boarding house.

536. No person shall occupy or use any public street, square, lane, alley, or place in the City, or any part of such to erect or place any booth, platform, table, stand or structure therein for the purpose of exposing for sale any fish, provisions, goods, or articles of any kind (except as authorized by the clauses of this By-Law relating to the public markets) without the permission of the City Council first obtained, and any such booth, platform, table, stand or structure for which no such permission has been obtained shall be forthwith removed by the person who has erected or placed the same, and on his default may be removed

by this Council, and such person shall be liable to the penalty provided for a breach of this By-Law. Provided that notwithstanding anything in this section contained the Mayor, or in his absence the Chairman of the Committee on Streets, may from time to time grant leave to persons of good character to keep fruit and candy stands in the public streets at such places as he shall determine, but so as not to obstruct or incommode the public traffic, and any such leave may be at any time withdrawn by this Council.

537. No person shall encumber any public street, square, alley, lane, or other public communication by erecting, constructing, placing or continuing any verandah, portico, terrace, door, door-step, porch, stairs, ladder, landing, railing, fence, wall, house building or other erection, obstruction or encumbrance projecting into or over, or being in any such public street, square, alley, lane, or other public communication in the City, and any person so doing and the owner or occupant of any real property having a verandah, portico, terrace, door, door step, porch, stairs, ladder, landing, railing, fence, wall, house, building, or other erection or obstruction projecting into or over or being in any public street, square, alley, lane or other public communication in the City shall forthwith remove the same upon being notified so to do by any officer of the City Council, and upon his default this Council may remove the same at the expense of such owner or occupant under the provisions of this By-Law and of the Municipal Act in that behalf, or such owner or occupant may be prosecuted as for a breach of this By-Law, each week's default being considered a separate offence, or this Council may resort to any other remedy provided by law.

538. It shall not be lawful for any locomotive, or railway car, or truck, or railway train, to obstruct public traffic or endanger persons or property passing the same by exposing teams to the danger of being frightened by standing in or across any public street or thoroughfare, and no person shall blow any steam whistle on any locomotive in any public street or thoroughfare, and the person or persons in charge of such locomotive, railway, car, truck or train occupying a position or doing anything contrary to the provisions of this section may be made amenable under this

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By-Law and prosecuted as for a breach thereof.

539. No person shall remove or cause to be removed, or assist in removing any building into, along or across any street or sidewalk in the City without first having obtained the permission of the City Council, and complied with such conditions as said Council imposed, and without having given a proper bond of indemnity to this Corporation with a suitable condition and penalty.

540. No person shall drive any description of sleigh or other vehicle on runners in the public streets or places, or thoroughfares in the City without having two or more bells affixed to the horse or other animal drawing the same, of a size and sound to give sufficient notice of the approach of the sleigh or other vehicle.

541. All bicycles, tricycles and velocipodes used, driven or ridden in any public street or place of the City shall be provided with a bell or bells and at night with a lighted lamp to warn pedestrians, and so prevent accidents, and no person shall use, drive or ride a bicycle, tricycle or velocipede upon any public sidewalk or pavement in the City.

542. No merchant, shop-keeper, tradesman, mechanic or other person shall sweep or suffer to be swept any dirt, rubbish or sweepings out of any shop, store or dwelling on or across any sidewalk or into any street to allow the same to remain there.

543. No person shall break, or injure, or deface any of the boardwalks, sidewalks, crossings, flaggings, curbstones or grates in the public streets, squares, places or slips in the City, or displace or remove the same, or any plank, sleeper, board, ~~stone~~ or other part thereof, without permission from the City Engineer or Surveyor, subject always to the action of this Council, and no person shall injure or damage any awning, post or other erection legally placed in any public street, square, place or slip.

544. No person shall erect or continue erected any sign, awning horse or other post or horse-block, or plant any tree, or erect or continue erected any awning in any public street, square or place without permission from this Council, nor shall any person erect any awning-post, or post for fastening horses to, or horse block, except the same is made in conformity with the pattern to be fur

nished by the City Engineer or Surveyor, and all signs and awnings shall be elevated at least seven feet six inches above the surface of the sidewalk or pavement beneath them, measuring from the lowest fringe or edge of such awning or sign. And no person shall erect or continue erected, or use any awning of wood or other material except of cloth with an iron frame in or over any public street, place or sidewalk in the City, and such awning shall not be supported by any posts or supports resting in or upon the street, place or sidewalk, but shall be supported by and from the wall of the house or building to which it belongs or is attached and no such support shall be attached to such wall at a point lower than eight feet above the part of the sidewalk above which the awning is placed, and any person who erects or continues erected, or uses any awning constructed or placed, or supported contrary to the foregoing provisions, or who refuses to remove or alter the same in accordance with the said provisions when notified so to do by any Officer of this Council or Police Constable shall be deemed guilty of a breach of this By-Law, and shall be prosecuted accordingly, and each forty-eight hours default in the premises shall be held to constitute a separate offence.

545. No person shall place or erect, or permit, or suffer to be placed or erected or continue any sign post, window frames or sills, balcony, ornament or fixture of any kind whatsoever, which shall project more than one foot off and from any building or wall or section into a public street or place, or over any public sidewalk.

546. It shall be lawful, subject as hereinafter provided, for the City Council at any time after giving one week's notice, to order the removal by the offender of any sign, sign post, or other post or trees, or of any window frame or sills, balconies, ornaments or fixtures, now or hereafter found projecting more than one foot as aforesaid, and of any swinging sign, now or hereafter found projecting more than two feet six inches off or from any building or wall or erection, into a public street or place, or over any public sidewalk, or which shall be less than seven feet six inches from its lowest edge above the street or sidewalk over which it is suspended.

547. Provided that it shall and may be lawful for any person desirous of erecting a swinging sign to do so on obtaining permission from this Council, without which such sign shall not be erected, but such sign shall not project more than two feet six inches into the street or over any sidewalk, and that the same shall be elevated not less than seven feet six inches above the surface of the sidewalk or pavement beneath it.

548. No person shall erect, hang out, or suspend or maintain, or continue erected, hung out, or suspended in, over, or projecting into any public street, sidewalk or place in the City any streamer, flag or banner, cloth or paper sign, or device, except on Her Majesty's Birthday, Dominion Day, or any other lawfully authorized holiday, except Sunday.

549. Persons carrying on any trade or business shall be allowed to occupy for the purpose of exposing to public view merchandize and articles usually sold by them such part of the sidewalk as adjoins their places of business, but the part so occupied shall not exceed in any case two feet and a half in width where the sidewalk is not less than eight feet wide, and shall not exceed one foot and a half in width where the sidewalk shall be less than eight feet wide, and such occupied part shall be along the inside border of the sidewalk. Provided always that nothing in this section shall be construed to allow any article or articles so exposed to be kept upon the sidewalks after nine o'clock at night or on the Sabbath Day.

550. The owner or occupant of every house or building adjoining any public street, square or place within the City shall provide the same with and maintain and keep thereon light eavetroughs, and water spouts, by which the water shall be conveyed from the roof of such house or building to the distance of not less than twelve inches beyond the outside edge of the sidewalk, such spout to be conducted under the sidewalk or pavement, and all such pipes as are now placed or erected shall be within one month after the passing of this By-Law in like manner conducted under and beyond the sidewalks and pavements by and at the cost of the owners, or occupiers, or agents of the owners, of the houses or buildings to which such pipes belong or appertain.

551. No person shall use for the conveyance of articles of burden, goods, wares or merchandize within the City any waggon or vehicle drawn by two or more horses or other animals, the wheels of which are three and a half feet in diameter or over, unless the tire and edge of the rim of such wheels are at least three inches in width, or any such waggon or other vehicle, the wheels whereof are less than three and a half feet in diameter, unless the tire and edge of the rim of such wheels are at least four inches in width. Provided always that this section shall not apply to waggons or other vehicles laden with and *bona fide* used for conveying farm or garden produce into the City. Provided that this section shall not take effect until the expiration of two years from and after the passing of this By-Law.

552. Every person before fencing, or building, or re-building, on his property along any public street or place shall obtain the correct line of the street opposite to and bounding such property from a legally qualified Provincial land surveyor, and the said person shall file in the City Engineers office sketch plans and data of the lines so given from time to time.

553. Any person employing the said surveyor under the preceding section shall pay him for each property, the line opposite which he has given, the sum of two dollars and fifty cents, which he will be entitled to receive and take to his own use, and said fee shall be his whole and only remuneration for services to be rendered under the preceding section.

554. Wherever the name of any public street or highway within the City is changed by By-Law, and whenever any public street or highway is opened up, widened, diverted or extended, such By-Law shall be forthwith registered in the Registry Office for deeds in and for the City.

555. All By-Laws heretofore passed for changing the names of any public streets or highways within the City, or for opening up widening, diverting or extending any public street or highway within the City which have not been registered shall be forthwith registered in the said Registry Office.

556. The City Clerk shall prepare the duplicate originals of said By-Laws and seal and certify the same, and also the certified

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copies of the said By-Laws as may be required to enable the same to be registered as aforesaid.

557. The City Council Committee on Streets shall from time to time as may be required, cause the name of every public street, avenue, or highway within the City to be affixed at the corners thereof (where the same has not already been done) in such number as to the said Committee shall seem meet.

RELATING TO THE CITY ENGINEER OR SURVEYOR.

558. The City Engineer or Surveyor before entering upon the duties of his office shall make a declaration before the Mayor well and faithfully to execute the duties of his office as prescribed by this Council, and according to the best of his skill and understanding.

559. It shall be the duty of the City Surveyor or Engineer to assist this Council in laying out and regulating the lines of all streets, wharves, slips and docks, and to survey all grounds required for the opening, widening or straightening of any street, road, avenue, or public square, and all grounds in the vicinity which may be assessed for the benefits and advantages of any such improvements.

560. It shall also be his duty to take and report the levels of all streets, lanes or avenues (when required) and to survey, take levels and make maps and profiles of all lots directed by this Council to be filled, reduced or levelled, and make accurate estimates of the filling, excavating and levelling or reducing, also to survey and measure all works done for this Council by contract or otherwise (when required) and to make estimates, statements and reports to this Council, and to make accurate and proper maps, profiles and diagrams of all surveys and works done, whenever the same may be required in relation to his duties and business by this Council or any Committee thereof, and to keep a regular minute book, showing the services rendered under the several provisions of this By-Law relating to streets, and under any order or resolution of this Council, and to file all maps, surveys, levels and diagrams when completed in his office, after having numbered or otherwise properly designated the same, there to remain on record; also to collect and keep in his office such maps, surveys, instruments and documents as relate to the duties and office of City Engineer or Surveyor.

561. The City Engineer or Surveyor at all times shall exclusively devote his whole time to the work of this Council or the duties of his office, and he shall not perform any work for private persons so long as the Council shall require his service.

562. In all cases where improvements are to be made in any of the streets within the City, either by excavating, filling, pitching, levelling, forming, paving or flagging, it shall be the duty of the City Engineer or Surveyor (previous to the commencement of the said improvement) to submit to the City Council a profile, showing the depth and height of excavating and filling (if any) in front of each and every lot which may be affected by said improvement, also cross section profiles, showing the width of carriage way, height of curb-stones above the gutter, arch of street, depth of sand or ashes, and width of sidewalk and the level, elevation or depression of opposite gutters, as the case may be, and it shall further be his duty to accompany said profiles with a map exhibiting the number of feet and inches of front, and depth of each and every lot with the name or names of the owners thereof, if the same can be ascertained by him, which profiles and maps shall be referred to this Council and afterwards filed in his office.

563. If any building hereafter to be erected shall project beyond the range of the street so laid down as aforesaid, the person erecting the same shall within three days after notice is given to him by the City Engineer, or Surveyor, or other City Officer remove the said building to the range so laid down as aforesaid, and every twenty-four hours that the said building shall be continued beyond such range after notice shall be deemed a separate offence against this By-Law.

564. It shall be the duty of the said City Engineer or Surveyor to give notice to the parties offending, and to the Mayor, Police Magistrate, or Chairman of the Committee of this Council on Streets of any obstructions or nuisance existing or accruing in the public streets, squares, places or slips of the City contrary to the provisions of this By-Law relating to streets or to law, in order to the immediate removal and abatement of the same, and to the punishment of the offender.

565. It shall not be lawful for any person to disturb, hinder, molest or illtreat the said City Engineer or Surveyor, or any City

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Officer or member of the Police Force in the performance of any lawful order, or of his duty under this by-Law in connection with its provisions relating to Public Streets, Squares and Places.

**TITLE 2.—Sewers.**

**RELATING TO COMMON SEWERS AND THE ANNUAL RENT OR SEWER RATE FOR THE USE OF THE SAME.**

566. The owners and occupiers of all properties abutting on any public streets or places in which common sewers have been constructed who have heretofore paid the charges required by the City By-Laws hitherto in force from time to time to be paid for the privilege of using such common sewers, shall and may continue to use the same free of any further charge for the number of feet frontage for which they have so paid.

567. When any such property is situated on the corner at the intersection of a street, lane or alley, with another street, or lane, or alley in each of which streets, lanes and alleys there is a common sewer, the frontage of the longest side or front of the property shall be the frontage on which the rental hereby imposed shall be computed though drained into any one of the sewers, and if drained into both of the sewers the frontage for said rent shall be the frontage of the shortest side of the property, and a part of the frontage of the longest side equal in length to the shortest side, and provided further that the frontage upon which the annual rental shall be based shall be the external length of the wall of the building or buildings drained, or if there are no building or buildings of the lot drained, and provided further that when the frontage of the said building or buildings is extended, or increased, or when any additional building or buildings is or are erected, and the original or another connecting drain is used to drain such extension or additional building or buildings into the common sewer, an annual rental based on such increased frontage as provided in the provisions of this By-Law relating to sewers shall be imposed and collected under the provisions of this By-Law relating to sewers.

568. The properties, grounds, yards, cellars and vacant lots, abutting on any public street in this City through which a common sewer

has been constructed or may be hereafter constructed, and which are opposite to such common sewer, shall each be drained into such common sewer by the owner or occupier who shall pay the proper rate or rental in the case according to schedule "A," of Division VIII, Title 2 of this By-Law, and shall be with their said properties subject to the provisions of this By-Law relating to sewers as to rent and otherwise. Provided that this section shall not apply to such properties, grounds, yards, cellars, and vacant lots as may have been already otherwise efficiently drained in the opinion of the City Engineer, and provided further that on default of compliance within a reasonable time after the passing of this By-Law with this section by any such owner or occupier, this Council may proceed to make the necessary connecting drains and assess such owner or occupier with the cost thereof, and collect the said cost in the manner hereinafter provided for the collection of the cost of work as hereinafter in this title mentioned, and the properties so drained, and the owners and occupiers thereof, shall also be subject and liable to the annual rent in the provisions of this By-Law provided in the case, and provided further that instead of making such connecting drains this Council may proceed against the person in default as for breach of this By-Law, every months default being considered a separate and distinct offence.

569. It shall and may be lawful for this Council to construct common sewers and drains in such parts of the said City as they may deem necessary for sanitary purposes, and for the use of such sewers or drains when constructed an annual rental may be charged and imposed under the terms and provisions of this By-Law relating to sewers.

570. No persons shall excavate for, make or construct any sewer or drain in or through any public street or place wherein a common sewer shall have been constructed, unless to enter the said common sewer for the purpose of draining property abutting on said street subject to the provisions of this By-Law relating to sewers, except by leave of this Council, and on such reasonable terms and conditions as this Council may determine.

571. No person shall excavate for, make or construct or open up any sewer or drain in any public street or place or enter or

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let or connect any such sewer or drain into or with any common sewer without first obtaining leave from this Council, and entering with sureties into a bond as provided by this By-Law under the title of "Streets," and filing in the office of the City Engineer a plan and section of the said sewer or drain and of its connection with the common sewer, together with its level and the level of the cellar, place, lot or ground drained and the level of the common sewer at the place where it is entered, and the Mayor or any Alderman or any City Officer may cause any work or thing being done contrary to the provisions of this section to be immediately stopped and the person who is doing the same or who has done the same to be prosecuted as for a breach of this By-Law.

572. This Council may order any excavation, sewer or drain done, made or opened up contrary to the provisions of the last preceding section of this By-Law to be filled in and stopped up by the offender, and upon his default this Council may fill in and stop up the same at the offenders expense, to be recovered from him under the provisions of this By-Law in that behalf.

573. All private sewers or drains to be constructed to communicate with the said common sewers shall be constructed and so communicate in such manner and at such parts thereof as the Streets Committee of this Council or the City Engineer shall direct and appoint, and the owners or occupants of property entering or connecting such sewers or drains into or with any common sewers to drain such property, shall with their properties respectively be liable to the proper annual rent imposed in the case under the provisions of this By-Law relating to sewers, as set forth in the said Schedule "A."

574. Sewers or drains in streets in which there is no common sewer may be let into common sewers, and any such sewer so to be let into common sewers shall not be used to drain premises having a front on a street in which there is a common sewer, and such first mentioned sewers or drains shall be so let into common sewers in such manner and form as this Council or the Committee on Streets shall direct and appoint, and the owners and occupiers as the case may be of the properties drained into such first mentioned sewers or drains, and through them into such common

sewers shall be charged with and shall pay an annual rental of five cents or three cents per foot frontage (as the case may be according to the size of the common sewer) of their respective properties so drained as provided in clause (c) of said schedule A.

575. No person shall commit damage or injury to any common sewer or to any private sewer or drain communicating therewith.

576. The owner or occupier of any property so drained or to be drained into any common sewer, may commute for the payment of the annual rent hereinbefore mentioned, and set forth in the said schedule A and chargeable in the case, by payment of a sum equal to ten times the amount of the annual rent commuted together with all arrears of said rent.

577. It shall be the duty of the City Engineer on the first day of January in each year to furnish to the City Treasurer a statement in writing of all common sewers or drains which have been constructed by this Corporation during the preceding year, showing the names of the streets or places in which such sewers have been constructed, the extent and cost of such sewers, the size of the internal section of such sewers at intervals of a block, the name of the owners or occupiers as the case may be of the properties fronting on such streets on each side indicating any change of ownership or occupation since the sewers were respectively made, and the frontage of each of such properties and such further information as may be required by this Council.

578. The said City Engineer shall at the same time furnish similar statements in writing to the said City Treasurer of the names of the owners or occupants of any property draining the same into any common sewer with the frontages of their respective properties, and the size of the internal section of the sewer so drained into, where entered, and the date of its being entered by such persons respectively.

579. Sometime in the month of January next, after the passing of this By-law, and in the month of January in each and every year thereafter it shall be the duty of the City Treasurer to make out separate rolls of the annual rentals due for the use of the common sewers in each ward of the said City by the owners or the

occupiers of property therein in the form contained in schedule "B" to this Title, and to cause such rolls to be delivered to the city collector.

580. It shall be the duty of the said Collector to demand payment from each and every person whose name shall appear on the said rolls of the sum or sums payable by him, her or them, according to the said rolls, by leaving at his, her or their place of abode or business, as the case may be, a bill of the same in the form set forth in said schedule "B," and calling at least once thereafter for the same.

581. In case any of the parties so liable as aforesaid shall refuse or neglect for fourteen days after demand made as in the last preceding section is provided to pay such annual rental, the said Collector shall forthwith collect the amount in default in the same manner as ordinary taxes upon real estate are collected under the provisions of the Assessment Act.

582. It shall also be lawful for this Council at any time to notify and require in writing any owner or occupier to fill up, drain, clear, alter or relay or repair any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools, and privies, and such owner or occupier shall do what he or she is so required to do in and by such notice within a reasonable time after the receipt of such notice and without unnecessary delay, and on any default by any such owner or occupier, this Council may cause the work so required to be done, to be executed, and in such case this Council may and shall assess the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are respectively situate, with the cost of such work, and the said owners or occupiers shall pay such cost to the City Treasurer within three days after a bill of the same has been rendered to them respectively by the City Treasurer, and in case of default in such payment being made by any owner or occupier so liable a demand of payment of such cost in writing in the form in schedule "C" to this Title as near as may be signed by the City Treasurer, shewing the work or matter done, and the cost thereof, with a general designation or description of the property on which it was done, shall be left at the place of abode or business, as the case may be, of the said owner or occu-

pier by the Collector of the said City, who, in case of non-payment shall proceed to collect the said cost in like manner as municipal taxes.

583. When a main sewer is made in a public street or place by or at the cost of private persons, or under Section 551 of the Municipal Act, a sole and final charge of twenty-five cents per foot of the frontage of each of the properties of the persons making it or drained into or by the same shall be made and payable before breaking ground as a charge for breaking up and disturbing the street, and shall be chargeable to the owners or occupiers of such properties, and such sewer shall be a public common sewer, if adopted by this Council, and shall be entered and used by leave of this Council thereafter, and a charge shall be made each time thereafter the said sewer is entered by a private drain of the same amount and kind to the owner or occupier of the property drained by such private drain and such property, if such owner or occupier had contributed to the expense of such main sewer otherwise an annual rental as provided in said Schedule A, Clauses (a) or (b) as the case may be, may be charged to such owner or occupier and the property so drained. Provided if such a sewer is drained into a common sewer an annual rental shall be charged as in clause (c) of said Schedule A to the persons and their properties who contribute to the expense of such main sewer.

584. When any sewer is made as in the preceding Section mentioned falls into disrepair and is repaired by this Corporation, the persons who made it neglecting upon reasonable notice to repair it, it shall forthwith become and be a public common sewer and the owners and occupiers of properties drained or which may be drained into it shall with the said properties be subject to an annual rent as provided in clause (c) of said Schedule A, payable and collectable as aforesaid.

585. This Council may adopt any sewer in a public street or place made by or at the cost of private persons as a public common sewer or part of one, and thereafter all persons, owners or occupants of properties drained or which may be drained into or by the said sewer (except the persons at whose cost it was made and their said properties) in and their said properties shall be subject to an annual rent as herein provided in Schedule A,

clause (a) or (b) as the case may be, payable and collectable as aforesaid.

586. This Council may assist private persons to make a common sewer, and in such a case, or if the sewer is made under section 553 of the Municipal Act, such sewer shall be a public common sewer, and the owners and occupiers of properties drained into or by such sewer with such properties shall if contributors to the cost of such sewer respectively be subject to an annual rent as provided in clause (c) of said Schedule A, payable and collectable as aforesaid, otherwise they shall be respectively subject to an annual rent as provided in clauses (a) or (b) as the case may be of said Schedule A, payable and collectable as aforesaid.

587. It shall not be lawful to drain one tenement or property into another, and thence to the common sewer, but each shall or drained directly into the common sewer opposite, independently, and any person permitting a property to be drained through his property or private drain into the common sewer shall be liable as for a breach of this By-law, and shall be dealt with accordingly and shall also be liable with his property for the proper annual rent as herein provided, as if such first mentioned property had been directly drained into the common sewer if this Council see fit to hold him for the same. Provided that this Council may permit the non-observance of this section when necessary or advisable, the proper payment of the annual rent being secured and paid without default.

588. When the owners or occupiers of adjoining properties drain them through a common drain or through the other property into a common sewer such owners or occupiers shall be liable to the same extent as if each property was drained independently into such sewer by a separate drain.

589. Upon any person commuting for the annual rent a certificate under the hands of the Mayor and City Treasurer shall be given such person, stating the amount of the commutation money the name of the person and the property as to which such commutation has been made, and the Treasurer shall keep a record of all such commutations, with full particulars thereof.

590. This Council may in its discretion and for what it may deem a sufficient reason, relieve any person from draining into a common sewer upon such person petitioning this Council to be so relieved, and entering into an undertaking to pay the proper annual rent as herein provided, but this section shall not apply where drainage is required on sanitary grounds.

591. Whereas by section twenty-five of the Act of the Ontario Legislature passed in the forty-second year of Her Majesty's reign and chaptered thirty one, all sewer rents and charges for work and services done by the Corporation in default of the owners of real estate under the provisions of any valid By-law shall form a lien and charge upon the real estate upon or in respect of which the same shall be charged, and shall be collected in the same manner and with the like remedies as ordinary taxes upon real estate are collectable under the provisions of the Assessment Act, it shall be the duty of the City Treasurer on the first day of January in each year to prepare a roll of the arrears of such rent and charges with full particulars concerning the same and the usual description of the properties, in respect of which such arrears are due and to keep the said rolls on file in his office for the inspection of all persons whom it may concern, and such lien and charge shall be enforced and satisfied in the manner provided in said Section twenty-five of the said Act.

592. The provisions of this By-law relating to sewers shall be subject to Section 546 of the Municipal Act and be construed accordingly.

SCHEDULE A.

(a) The annual rent per foot for every foot of frontage of a property drained into a common sewer where the sewer has been made at the public expense, and is 2 feet by  $1\frac{1}{2}$  feet or over at its largest interior sectional area, shall be the sum of ten cents per foot.

(b) If the sewer is made under 2 feet by  $1\frac{1}{2}$  feet at its largest interior sectional area, the said annual rent per foot frontage as aforesaid shall be the sum of six cents per foot.

(c) Where the sewer has been repaired or enlarged at the public expense, or has been made partly at the public expense and partly by private persons, the said annual rent per foot.

frontage as aforesaid shall be half the above rates per foot according to the size of the sewer.

(d) Where the sewer entered has been made by private persons a sole and final charge of 25 cents per foot of the frontage of the properties drained by it shall be made and be payable before breaking ground as a charge for breaking ground and disturbing the street, but if the sewer is adopted as a common sewer by the City Council the charge shall be made under clauses (a) and (b) as the case may be, to all except those who had contributed to the cost of the sewer.

(e) When a sewer is made at the expense of private persons a charge of 25 cents per foot of the frontage of properties to be drained into it or by it for breaking ground and disturbing the street shall in each case be made and be payable before breaking ground.

(f) Provided that where a drain already made and in connection with which the annual rent has been regularly paid or in connection with which the regular charge for frontage was paid at the time of its making, is opened up for the purpose of cleansing, removing an obstruction, or deepening the same, the frontage or charge for breaking ground and disturbing the street shall be calculated on the length of the excavation in the street and not on the frontage of the building or property drained.

### SCHEDULE B.

Progressive No.	No. House.	No. of Lot or other description of the Property.	NAME OF OWNER OR OCCUPANT.	Street.	Address.	Frontage in feet.	Rate per foot of annual rent.	Total amount of annual rent payable.	Commutation for annual rent.	REMARKS.

Kingston, 18 I hereby demand payment of the above sum. Collector.

### SCHEDULE C.

Progressive No.	House No.	No. of Lot or other

*Collector.*

SCHEDULE C.

[illegible]

I hereby demand payment of the above sum.

*City Treasurer.*

**TITLE 3.—Relating to the Numbering of Houses and Lots.**

593. The houses and lots along the streets of the City of Kingston shall be numbered, and the numbers affixed to the houses, buildings and other erections along the said streets in accordance with the following provisions in that behalf.

594. Permission and authority is hereby granted to any person contracting with this corporation to number the lots, houses, buildings and other erections situated and fronting on any of the public streets within the limits of this city, so that the same shall be done in accordance with the following system.

595. All streets running north and south or in that direction within the said limits shall be numbered towards the north, beginning at the southern extremity of said streets, and all streets running east and west or in that direction within the said limits shall be numbered from the eastern extremity of the said streets or more particularly as follows:—

Ontario Street,	From West Street, N. E.
King Street	" Barrie Street, N. E. & W.
Wellington Street	" West Street, N. E.
Bagot Street,	" Barrie Street, N. E.
Sydenham Street,	" West Street, N. E.
Clergy Street,	" Barrie Street, N. E.
Montreal Street,	" Brock Street, N.
Rideau Street,	" Barrack Street, N.
Bondhead Street,	" Hay Market, N.

596. All other less important streets to start and number in the same directions respectively, as near as possible as the principal streets.

597. The series of numbers of each street shall be complete in itself, and the numbering shall be proceeded with, so that each number on one side of the street shall have its alternate or following number opposite to it, as near as may be on the opposite side of the street.

598. Twenty feet shall constitute the distance for which one number is to be allowed, and the number placed upon the building shall correspond with the number allotted to the twenty feet of ground to which the front or main entrance of said building or buildings may open or on which it is erected, Provided always

that nothing in this By-Law is to be construed as compelling any owner or agent of any house, building or other erection, to purchase from, employ or permit the said contractor to affix numbers to his houses, buildings or other erections or any or all of them, but in all cases where numbers are affixed thereto they must be correct and correspond with the numberer's record, and be in accordance with the provisions of this By-Law, relating to the numbering of houses and lots.

599. And it is further provided that nothing herein contained shall in any way be construed as making the said Council or this Corporation in any manner liable or responsible for any charge, payment, loss, costs, or expenses, that the said contractor or any other person or persons, shall or may have or incur in or for attaching such numbers to the said houses, buildings or other erections or any of them or in carrying out the provisions of this By-Law relating to the numbering of houses and lots.

600. The said contractor may charge and receive from any person employing him under the foregoing provisions the following prices according to the services rendered by him namely:—

601. Prices of numbering houses, buildings or other erections, including work, numbers, block or shield, affixing, and all necessary materials and labour.

For 1½ inch, (or Church Pew size,) 7cts per figure.			
“ 2 “ size on blocks,	15 “	“	“
“ 3 “ “ “	25 “	“	“

Silver plated numbers on Walnut Shields with moulded edge, from \$1.00 to \$2.00, according to number of figures, style, and finish, and the said contractor shall not charge or receive any greater prices.

602. The said contractor shall report to this Council monthly during the continuance of his contract, showing the progress of the said numbering and the number of houses, buildings, lots, and erections numbered, without charge to this Corporation, and also the said contractor shall in all things carry out and observe the provisions of his contract, and perform the said work in accordance with the system contained in the provisions of this By-Law relating to the numbering of houses and lots agreed upon in his contract.

603. Any owner of property in the City may require the said contractor to number his house, building or other erection or lot in accordance with the provisions of this By-Law relating to the numbering of houses and lots, and the said contractor shall be bound on such requisition to, and shall, number said house, building or other erection or lot on being paid or tendered the proper charges for so doing, and all work done under the provisions of this By-Law relating to the numbering of houses and lots shall be so done under the supervision of the City Engineer.

604. No person shall remove, deface, obliterate or destroy the figures or shields placed or painted or affixed to any house, building or other erection numbered.

605. Numbers shall not be affixed to any church or place of public worship, public schools or to any public building belonging to the Crown or to the Corporation of the City of Kingston or to the Corporation of the County of Frontenac.

606. It shall be lawful for the owners and occupiers of houses, buildings or other erections or lots to number the same without employing the contractor provided that the figures used are in accordance with the provisions of this By-Law relating to the numbering of houses and lots and represent the proper numbers of such houses, buildings or other erections.

607. In numbering houses, buildings or other erections, the odd numbers will be on the right hand side and the even numbers on the left hand side from the starting point in every case.

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**TITLE 4.—Snow, Ice, and Dirt.**

608. All owners or occupants of houses and buildings in the City of Kingston, shall from time to time during each winter season, between the first day of November and the first day of May following in each year, when and as often as it shall be necessary so to do by reason of their accumulation or otherwise or when required so to do by the City Commissioner or other City Officer or by a member of the Police Force, remove all snow and ice from the roofs of the premises owned or occupied by them

respectively in the said City, such removal to be made in all cases without any unnecessary delay.

609. All owners and occupants of real property in the City of Kingston shall from time to time and at all times, when and so often as it shall be necessary so to do or when required so to do by the City Commissioner or other City Officer or by a member of the Police Force, remove and clear away all snow, ice and dirt, and other obstructions from the sidewalks adjoining their respective properties, and if there be no sidewalks then from six feet of the street or alley adjoining and running alongside of their respective properties, such removal and clearing away to be made in all cases without any unnecessary delay.

610. It shall be lawful for this Council in the case of vacant properties, the properties of non-residents, and of all other persons who, for twenty four hours, neglect to clean the sidewalks and streets adjoining the same after being required so to do by the City Commissioner or other City Officer or by a member of the Police Force as aforesaid, to cause the removal and clearing away of all snow and ice and other obstructions from said sidewalks and streets at the expense of the said respective owners or occupants of the same, in case of their default, and in case of non-payment to charge such expense as a special assessment against such premises respectively to be recovered in like manner as other municipal rates of the said City.

611. Every person having the charge of any church, chapel or other public building, shall during the winter season and during the time snow shall continue on the ground, keep the sidewalk or pavement in front of such building and of the lot in which it stands free from obstruction by snow, ice, dirt or other incumbrance, and shall at all other times keep such sidewalk or pavement clean and free from dirt and other incumbrances, and the provisions of the immediately preceding section of this By-Law, shall apply to every such case, Provided always that it shall be lawful instead of enforcing the provisions of the immediately preceding section of this By-Law to proceed against any offender against this section or the two immediately preceding sections, as for a breach of this By-Law and each day's default in the premises shall be considered a separate and distinct offence.

**TITLE 5.—Cab and Cart Stands.**

612. The following stands are hereby authorized and assigned for cabs and other vehicles, licensed, used to carry persons for hire, and are the only stands authorized or assigned for such cabs and vehicles, that is to say,—

Number one—On the east side of Ontario Street between Clarence Street and Brock Street.

Number two—On the East side of Wellington Street from Clarence Street to St. George's Hall.

Number three—On the East side of Clergy Street between Princess Street and Brock Street.

Number four—On the south side of Clarence Street from the westernmost gate post of the Custom House gate to the easternmost gate post of the Post Office gate as staked on the ground.

613. That no such cabs or vehicles shall stand or be placed to be hired elsewhere in the City than upon one of the stands in the last preceding section mentioned, and any person standing or placing any cab or vehicle to be hired elsewhere in the City than upon one of the said stands shall be deemed to be guilty of a breach of this By-Law.

614. The following stands are hereby authorized and assigned for carts and other vehicles, licensed, used to carry loads other than of persons for hire and are the only stands authorized or assigned for such carts or vehicles, that is to say,—

Number one—On part of the east side of Ontario street between Johnston Street and William Street and extending from a post erected about forty feet from the south-west corner of Ontario and Johnston Streets and thence along the east side of Ontario Street to William Street.

Number two—On part of the south side of Queen Street between Ontario Street and King Street as follows: commencing at the drive-way forming the entrance to the premises formerly owned by Wm. Boyce and from thence along the south side of

Queen Street to the drive-way forming the entrance to the coal sheds of C. F. Gildersleeve Esquire.

615. No such carts or vehicles shall be stood or placed to be hired elsewhere in the City than upon one of the said stands in the last preceding section mentioned, and any person standing or placing any cart or vehicle to be hired elsewhere in the City than upon one of the said last mentioned stands shall be deemed to be guilty of a breach of this By-Law.

616. The horses attached or belonging to all such cabs, carts and vehicles shall be kept well and constantly in charge on the said stands respectively by their drivers, when not employed.

617. No person shall stand or place for hire upon any of the said stands or elsewhere in the city any cab, cart or vehicle, the owner of which has not a license as required by the By-Law of the Board of Commissioners of Police of the City then in force.

## DIVISION IX.

### **TITLE I.—Relating to the Impounding of Cattle and Pounds, and Poundkeepers.**

618. The pound now erected and established on a part of Samuel Shaw's lot, Earl Street, City of Kingston, described as follows, that is to say:—Being a piece of land situated on the north side of Earl Street near its intersection with Gordon Street, being part of the western portion of Block 43 on Innes' map of the City, formerly part of farm lot twenty-four in the first concession of the Township of Kingston, now in the City of Kingston, and being a part of the land conveyed by the late Venerable Archdeacon Stuart to the late Robert James, by deed dated on the twenty-third day of November, A.D., 1831, late the property of one James C. Mills, and which part is under lease from said Mills to the said Samuel Shaw, and which land for said pound may be described as follows, that is to say: Commencing on the north

side of Earl Street at its intersection with the division line between the old House of Industry property now owned by one Robert Keyes and the said James' property, thence north along said division line one hundred and four feet, thence parallel with Earl Street thirty-six feet, thence south parallel with said division line one hundred and four feet to Earl Street, thence west along Earl Street thirty-six feet to the place of beginning: shall continue to be a public common pound for the safe keeping of such animals as it may be the duty of the pound keeper to impound or that may be impounded by law under the laws and by-laws relating to pounds.

619. The pound now formed, erected and established on the following described site, that is to say:—Commencing at the north-west gate post of the rear entrance into the new House of Industry grounds, thence northerly along a board fence forty-five feet, thence easterly along a board fence forty-six feet, thence southerly forty-eight feet to the north east angle of a small building used as a latrine in connection with the said House of Industry, then along the north side of said small building and in its course produced thirty-six feet to the place of beginning, with a right of way from Patrick Street by the present road leading through said gate, shall continue to be a public common pound for the safe keeping of such animals as it may be the duty of the pound keeper to impound or that may be impounded by law under the laws and by-laws relating to pounds.

620. Samuel Shaw is hereby appointed pound keeper of the said first mentioned pound with all the rights and privileges and emoluments appertaining or attached to said office.

621. John Harkes is hereby appointed pound keeper of the said second mentioned pound with all the rights and privileges and emoluments appertaining or attached to said office.

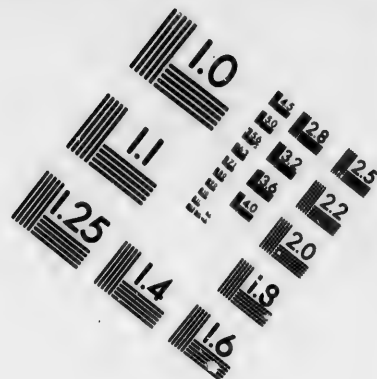
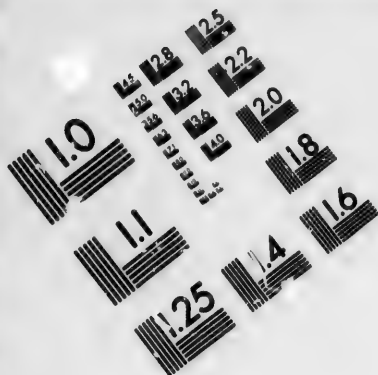
622. Except as hereinafter in this section is provided it shall be unlawful for any cows, oxen or other cattle, horses, swine, goats, sheep, geese, or other poultry, to run at large in the City, and no person shall allow any of the said animals belonging to him, or of which he has the charge or possession to run at large in the City except as aforesaid. Provided that subject to the exception hereinafter contained the said animals may run at large

in the City outside of the following limits at the risk of the owners or possessors thereof as to damage to private property, that is to say:—Commencing at the waters edge on the line of Alfred Street, thence northward along the said street to where it would be intersected by a continuation of York Street, thence eastward to and along York Street to Picard Street, thence along Picard Street to Montreal Street, and thence northward along said street to the City limits; excepting always stallions, bulls, boars, rams, and he-goats, which are not to be allowed to run at large in any part of the City, and the owner or possessor of these animals who allows the same to run at large in any part of the City shall be deemed guilty of a breach of this By-Law.

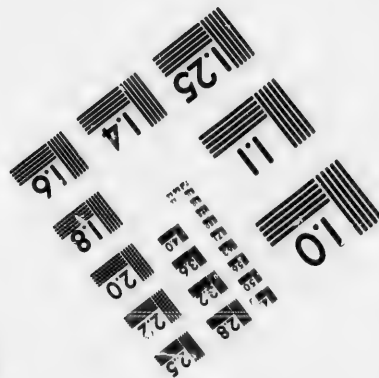
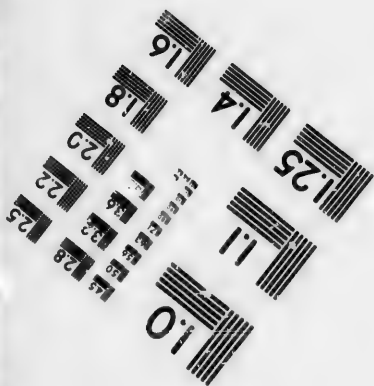
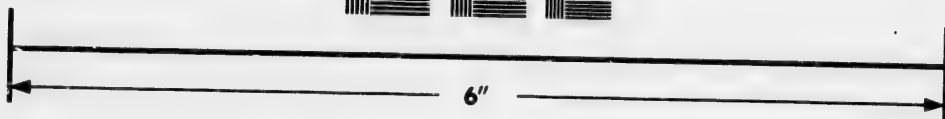
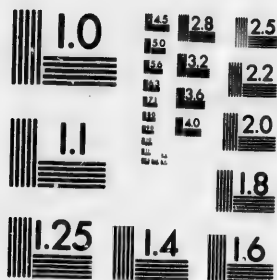
623. It shall be lawful for and the duty of the High Bailiff or any Police Constable or any Officer of the said City, to take, drive and impound any cows, oxen or other cattle, horses, swine, goats, sheep, geese or other poultry, found running at large in the City contrary to this By-Law in any common pound of the City, and to pursue, follow and take such cows, oxen or other cattle, horses, swine, sheep, geese or other poultry, into any lot, yard or building into which the same may run or enter, and the same shall remain impounded until payment is made of the fine and costs imposed upon their respective owners or possessors and of the lawful fees and charges of the pound keeper or until a deposit of five dollars has been made with the pound keeper against such fine, cost, fees and charges; and no person shall assault, oppose, impede, hinder, insult or obstruct any such officer in the execution of his duties aforesaid, and no person shall rescue or retake or attempt to rescue or retake from the person in whose custody the same shall be any animal taken, distrained or impounded under the provisions of Title 1. Division IX, of this By-Law.

624. Nothing herein contained shall prevent the impounding of any cows, oxen or other cattle, horses, swine, sheep, geese or other poultry or any of the animals hereinafter in this section specially mentioned found trespassing upon any private property or in the public parks, under and subject to the Statute in that behalf, or shall be held to permit or allow any stallions, bulls, boars, rams or he goats, to run at large in any part of the City, which animals if found running at large in any public street,





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park, thoroughfare, square, lane or place in any part of the City, shall be impounded and dealt with as herein is provided as to other animals found running at large contrary to the provisions of Title I, Division IX, of this By-Law.

625. If no person shall appear to claim any animal so impounded within six days after the impounding thereof and to pay such fine and costs as may be imposed and all reasonable charges for the taking and keeping the same, then and in such case it shall and may be lawful for the pound keeper after having given one week's public notice, in writing, at least in three public places in the City, of which the City Hall shall be one, and by advertising in a city newspaper, to sell the same at public auction, and after deducting such fine and costs and all charges aforesaid, besides the costs of advertising, the surplus, if any, shall be paid over to the owner of the said animal, provided such claim be made within three months after such sale, and if no claim be made within the time aforesaid then the proceeds of such sale shall be paid to the City Treasurer for the general purposes of the said City.

626. The owners and possessors of cows, oxen or other cattle, horses, sheep, swine, geese or other poultry, stallions, bulls, boars, rams or goats, shall not allow the same to be or to run at large in the said City contrary to the provisions of this By-Law contained under Title 1, Division IX thereof, and such owner or possessor so doing shall be deemed to be guilty of a breach of this By-Law and shall upon conviction forfeit and pay the following penalties with costs, respectively, besides and in addition to the lawful fees and charges of the pound keeper, and besides any damage caused by the said animals to property, that is to say.— For each horse, bull, ox, cow, heifer, steer, goat, sheep or pig, the penalty to be imposed shall be not less than one dollar nor more than ten dollars in the discretion of the convicting Justice—for each calf fifty cents, for each goose or turkey ten cents; for each head of other poultry ten cents; which penalties shall be recoverable with costs as provided by law; and any person laying the information which leads to the conviction for a breach of any of the said provisions of Title 1, Division IX, of this By-Law shall be entitled to receive and shall be paid one moiety of the fine recovered.

627. It shall be the duty of the pound keepers and their assistants to impound any of the animals liable to be impounded under the said provisions of this By-Law found running at large in the said City contrary to the said provisions of this By-law, and the fees to the poundkeeper for so impounding the same shall be as follows, that is to say:—for each horse, bull, ox, cow, heifer, steer, goat, sheep or pig, twenty-five cents; for each head of geese or other poultry, five cents; and a like sum for each day after the first that any of the said animals shall remain in pound, besides the amount of any damages which may have been committed, and the costs of the keeping of such animals while in the pound.

628. The pound keeper shall be entitled to demand and receive from the owners or possessors of animals impounded the following charges for the daily food of the same, namely:—for horses, cattle and swine, the sum of twenty cents each per day; for geese and other poultry the sum of two cents per day; for sheep, goats and calves the sum of ten cents per day; and the food furnished shall be in sufficient quantity and wholesome and the animals shall be regularly furnished with as much good water to drink as they require.

629. The provisions of the Act entitled "An Act respecting pounds", Revised Statutes of Ontario, Chapter 195, shall be in force in the City of Kingston, except where the same are varied by the provisions contained under Title 1, Division IX, of this By-Law, and shall apply and govern in all cases not provided for by the said provisions of this By-Law, and also in all cases where damage has been done to private property the damage shall be ascertained under the provisions of the said Act respecting pounds, but the fines and penalties and fees and charges of pound keepers, shall be as in the said provisions of this By-Law is provided.

630. Nothing contained in the sections of this By-Law comprised under said Title No. 1, Division IX, shall be held to prevent the driving of cows, oxen, cattle, sheep, swine, geese, or poultry, through the public streets, provided the same be in sufficient and competent charge; and are not allowed to stop or loiter by the way, but no person shall drive or lead through any

public street or place any stallion, bull, boar, ram, or he goat, unless such animal is thoroughly secured from getting loose by strong bridles, halters, reins, ropes, or other sufficient means, held by the driver or person in charge.

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**TITLE 2.—Fence Viewers and Fences.**

631. The City Engineer, the City Commissioner, and the High Bailiff of the City for the time being shall be the fence-viewers of the City, and shall be entitled to take and receive the following fees for their services.

632. Two dollars each for every day's work under the Acts of the Legislature of Ontario, entitled, "The line fences Act," and "The Ditches and Water Courses Act."

633. Two dollars each for every day's work under the Act of Legislature of Ontario entitled "An Act respecting pounds," including certificates and statements.

634. A lawful division fence and a lawful fence shall be of the height of at least four feet six inches and shall be made and maintained by the person or persons by law responsible good and substantial fences and satisfactory to the Fence Viewers or a majority of them, and all such fences to be hereafter erected shall be constructed of either of the following materials, namely, iron or other suitable metal, stone, brick or wood or partly of all or any of the said materials or of other good and proper materials approved of by the fence viewers or a majority of them, and every such fence shall be kept at 'all times by the person or persons by law responsible in a good and substantial state of repair to the satisfaction of the fence viewers or a majority of them, and every such fence shall be so constructed as to prevent horses, cattle, sheep, goats, swine and geese to pass through it.

635. The owners of lands through which any open drain or water-course passes shall erect and keep up water gates where fences cross such drain or water-course, and no person shall obstruct any drain or water-course or foul the same by dead animals, filth or otherwise.

636. The Acts and Amending Acts of the Legislature of Ontario respecting line fences and ditches and watercourses in force from time to time shall continue and be applicable to this Municipality as to all matters not herein provided for.

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**TITLE 3.—Public Parks.**

637. The Committee on Parks shall have the care and custody of all the public parks now or hereafter belonging to or in possession of the City subject to all such By-Laws as may from time to time be passed by the said Council, but no more public civic money of said City shall be expended thereon than shall be appropriated by the Council for that purpose.

638. A caretaker or caretakers shall be appointed to take charge of the said parks and keep the same in order.

639. Such caretaker or caretakers shall be appointed by the Council by resolution, shall be paid such salary as the Council may direct, and shall hold office during the pleasure of the Council.

640. Such caretaker or caretakers, except with the permission of said Committee, shall not engage in any other or outside occupation, but shall devote his or their whole time, labor and services solely and exclusively to the duties of the office of caretaker.

641. Every such caretaker shall be under the immediate supervision and control of the said Committee on Parks, and shall obey all such directions and perform all such duties as shall be given to or required of him by said Committee.

642. Each such caretaker while he holds office shall with the approval of the Police Commissioners be an ordinary member of the Police force of said City, and shall be sworn in as a Constable for park purposes, but shall not exercise any of the duties of a constable outside the limits of the park, except in connection with an offence committed within said limits.

643. No extra salary shall be paid to any such caretaker for the performance of the duties of constable or as a member of such police force.

644. It shall be lawful for any police officer, constable, caretaker or other duly authorized person to exclude and eject from the said public parks all drunken or filthy persons, vagrants and notoriously bad characters, and to remove therefrom any person who is violating any By-Law of the City Council or is uttering blasphemous or indecent language or is committing any nuisance or is guilty of any disorderly conduct therein.

645. No person on foot when crossing any such park from street to street, or from one part of a street to another part, shall walk on the grass or sward of such park, but shall confine himself or herself strictly to the foot paths and carriage drives therein laid out.

646. No person shall at any time walk on the grass or sward of any such park when forbidden so to do by any caretaker or Constable or when otherwise properly notified.

647. No person shall walk, drive or ride into or upon any part of any such park when forbidden so to do by any caretaker or constable or when otherwise properly notified.

648. The right of prohibition conferred by the two last preceding sections shall not be exercised except by direction of the said Committee or when such prohibition is actually necessary for the due preservation of such park.

649. No person shall ride or drive any horse in or upon or through any such park at an immoderate rate or so as to incommode or interfere with or endanger other persons frequenting the same.

650. No person shall ride or drive any animal or vehicle on any turf or green sward in any part of any such park nor in any part thereof, other than in the roads set apart as carriage drives.

651. No person shall break in or train any horse in any such park.

652. No person shall tie up, fasten or leave unattended any horse or other animal in any such park.

653. Except when any such park is being repaired or improved and by permission of the said Committee, no vehicles other than those intended for purposes of health or recreation shall be driven therein.

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654. No person shall drive through any such park any cattle or other animals not in harness or attached to any vehicle.

655. No person, except in the like case of repairs or improvements, and with the like permission, shall dig or carry away any of the sward, gravel, earth, sand or turf, in or from any part of any such park.

656. No person, except in the like case of repairs or improvements, and with the like permission, shall climb, break, peel, cut, deface, disfigure, pull up, remove, injure, or destroy, any trees, shrubs, flowers, plants, grass, buildings, fences, gates, seats, benches, locks, bolts, or any other City property whatsoever in any such park.

657. No person, except in the like case of repairs or improvements, and with the like permission, shall in any manner carry or cause to be carried or taken into any such park any stone, dirt, earth or other material or any filth or other offensive matter or substance whatsoever, and no person shall commit any nuisance in any such park.

658. No person shall suffer or permit any animal in his charge to deface, disfigure, injure or destroy any trees, shrubs, flowers, plants, grass, fences or any other City property in any such park.

659. No person shall shake or otherwise cleanse any carpet, floor or other cloth, rug, mat, mattress, bedding or clothing, in any such park.

660. No person shall cast, project or throw any stones, sticks, snowballs or other missiles within or into any such park, and no person shall play any game therein without the permission of the said Committee.

661. No person, except by permission of the said Committee shall in any such park set fire to any shavings, chips, straw or other matter, or make or light any fire or bon-fire, or set fire to or let off any fire-works, or fire off or discharge any gun, fowling piece or other firearms.

662. No pic-nic shall be held in any such park, except by permission of the said Committee, and no person shall litter any part of any such park with pieces of paper, food, rags or other refuse whatsoever.

663. No person shall expose for sale refreshments or any other articles whatsoever in any such park, without the permission of the said Committee.

664. No person shall expose in any such park, any table or device of any kind whatsoever upon or by which any game of hazard or chance can be played, and no person shall play at any such table or device or at cards or any unlawful game in any such park.

665. Provided always that the provisions of this By-Lay relating to the public park shall in all cases be subject to the provisions of any statute having force in said city, which shall expressly prohibit any of the offences hereby forbidden, and in case of a prosecution under any such statute for any such offence this By-Law shall not apply.

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**TITLE 4.—Injuries to property and notices.**

666. It shall not be lawful for any person without the consent of the owner thereof to deface any building, fence, telegraph or telephone pole or lamp-post or any private or other property by writing, printing, painting or posting thereon or attaching thereto printed, painted, written or other notices.

667. It shall not be lawful for any person without the consent of the owner thereof to pull down or deface any sign-board or written, painted or printed notice lawfully affixed within the city.

668. Without lawful authority it shall not be lawful for any person to injure, remove or destroy any tree or shrub planted or preserved for shade or ornament in the city, and no person shall do so without such authority-

669. It shall not be lawful for any person to violate any cemetery, grave, tomb, tomb-stone or vault in the city, where the dead are interred, or dig in or injure the same, or injure any tomb, tomb-stone or vault therein.

670. It shall not be lawful for any person to stick or fasten any placard, card, poster or advertisement to any building, gate, door, fence or wall without the permission of the owner or occupant of the premises.

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## DIVISION X.

### TITLE I—The Harbour.

671. It shall be the duty of the Harbour Master, or his assistant, and he is hereby authorized and empowered to direct that all vessels, craft or floats arriving in the harbour of the City of Kingston be placed in their turn in such manner, in regard to anchoring, mooring, loading, unloading, change of place or station, moving or shifting, use of harbour, or extent of accommodation, as he shall think fit, with a view to their speedy loading, unloading or accomplishment of such other purposes as may have caused them to enter the harbour, as also to the general convenience and safety of all vessels, craft or floats coming into, remaining in, or going out of the harbour—provided always that in the selection of berths or moorings a vessel with cargo shall have precedence of a vessel light or in ballast, and that nothing herein contained shall interfere with the private right of the proprietor, or lessee of a wharf, to moor his vessel, craft or float thereat, in such a manner as not to obstruct the public use or navigation of the harbour or the slips.

672. Vessels laden with wood, sand, stone, lime and produce, to be sold or transhipped at the city, shall in all cases have the preference over other vessels at the slips near the water's edge in arriving at and remaining in said slips, but no vessel of any description shall, during the winter, occupy any of the slips with which there is communication with any of the streets practicable for a team and sleigh, and no vessel, craft or float shall be so moored or anchored within the harbour, or in any slip or dock, so as to prevent or obstruct the passage of any other vessel craft or float.

673. Whenever there shall be in the harbour any vessel, craft or float insecurely fastened, adrift, sunken, or laid up, not in use, which may require to be fastened, raised, removed, or its location changed, it shall be the duty of the Harbour Master or his assistant, to notify the owner, master or other person who may be in charge

thereof, to secure, raise or remove such vessel, craft or float, without delay. But if the Harbour Master or his assistant shall be unable to find the master, owner or person in charge of such vessel, craft, or float as aforesaid, or if no person answering such description can be found by him or them, such notice shall not be required, and any person who shall refuse or neglect to comply with such order or direction shall be guilty of a breach of this By-law for every day he or they shall refuse or neglect to observe the same, and shall be liable to punishment accordingly.

674. If any vessel, craft or float shall not be secured, raised, removed, or its location changed, in compliance with the direction of the Harbour Master or his assistant, after notice, or if the Harbour Master or his assistant shall be unable to serve such notice as aforesaid, in either case, it shall be his and their duty to cause such vessel, craft or float to be secured, raised, removed or its location changed as aforesaid, employing such assistance as may be necessary for the purpose; all expenses which may be incurred in any case shall be recoverable of the owner, master or other person having charge of such vessel, craft or float, and the same expenses shall be summarily recovered under the provisions of this By-law in that behalf, in accordance with the Municipal Act. And if any person shall resist the Harbour Master, his assistants or any person acting under him or them in the execution of such duty or of any duty imposed upon him or them by the provisions of this By-law relative to the harbour, such person so resisting shall be guilty of a breach of this By-law and punishable accordingly.

675. No vessel, craft or float shall be anchored or moored across the entrance to any dock or slip, nor shall any vessel, craft or float be anchored or moored nearer than three hundred yards from any of the wharves opposite or nearest thereto except when loading or unloading or laid up at the owners or consignees wharf.

676. No master or person in charge of any vessel, craft or float shall be guilty of any unreasonable, unnecessary or vexatious delay in loading, unloading, or moving the same, or in obeying the lawful orders of the Harbour Master or his assistant with respect thereto.

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677. No person discharging the cargo of any vessel, craft or float, shall suffer any part of such cargo to remain projecting over the front of any wharf after such vessel, craft or float shall remove from the wharf.

678. It shall be lawful, when the circumstances in the opinion of the Harbour Master or his assistant, render it necessary, for steamboats and other vessels to load and unload over the decks of each other respectively, and no person in charge of any such boat or vessel shall, when thereunto required by the Harbour Master or his assistant, refuse to permit a person in charge of any other boat or vessel so to load or unload—provided always that when necessary, in the opinion of the said Harbour Master or his assistant, the wharf and such boats or vessels shall be connected together with proper gangways, securely placed, and all necessary precautions shall be taken to prevent injury to the vessels so to be passed over.

679. All vessels using steam-power shall, while entering and on leaving the harbour, be moved slowly, at a speed not exceeding five miles per hour; and all sail vessels shall likewise be moved slowly, and under short sail, so as not in any case to endanger or injure other vessels or boats.

680. No master or other person, owning or having charge of any vessel, craft or float, shall leave the same in the harbour, without first providing some proper and competent provision for managing and securing the same, except when the ice has become permanent in the harbour.

681. No master or person in charge of any vessel, craft or float, nor any other person whomsoever, shall fasten any hawser or other rope or chain across any part of the harbour or in any slip, so as to obstruct the passage, except for the express purpose of hauling in or out immediately or for the purpose of hauling off a vessel, craft or float, aground or for other necessary temporary purpose, and in such case, such master or person shall slack the hawser, rope or chain, in order to give a free passage to any other vessel, craft or float that may require to pass.

682. No master or person in charge of any vessel, craft or

float, to which any other vessel, craft or float, may be made fast by any rope, hawser or chain, shall cast off, or due to be cast off, any such rope, hawser or chain without giving notice to the master or person in charge of any such vessel, craft or float so made fast.

683. All vessels, crafts and floats, whether using steam or otherwise, while in the harbour, shall have and keep their anchors (not in use) on board, or suspended from the hawse pipe, the ring or shackle below the surface of the water; and all vessels, crafts and floats, while in the harbour, shall be securely fastened and shall not be permitted to drift or beadrift.

684. The master or person in charge of any vessel lying along side the wharves or adjoining any other vessel, shall cause her hatchways to be securely and completely covered with hatches or gratings or otherwise protected immediately after the work of loading or unloading, as the case may be, shall have been finished for the time, and shall cause the same to remain so covered until the time when the work again begins.

685. Every steamboat, propeller or other vessel used in conveying passengers, resorting to the harbour, shall be provided with a good and sufficient gangway for the use of persons going and coming from aboard such vessel, and on dark nights a light shall be placed on the said vessel near the gangway, so that the passage from the said vessel to the wharf shall be clearly lighted.

686. All floats in the harbour and vessels or craft moored to any wharf in any part of the harbour, shall, during the night, show a light at the bowsprit and one at the stern or one at each end.

687. No fires shall be used in any vessel, craft or float, anchored or moored in the harbour, or at any of the wharves, except in proper cabooses or stoves or hearths of brick, or iron, or other hard metal properly secured.

688. No light shall be allowed on any vessel (except signal lights and lights on steamboats) after ten o'clock at night, but lights may be used after this hour in the cabin of any vessel, where a person must be during the time such lights are used, in atten-

dance, or where the light is so secured as to prevent the danger of accidental fire.

689. A light may be used at any time on vessels actually loading and unloading, and on any steamboat having a watch on board, the necessary fires for getting up steam may be made when required.

690. The owner, master or person in charge of any steam-vessel visiting the said harbour, which has a chimney from the boiler fires, through which sparks of fire or hot coals or cinders, may escape, shall be compelled to have a bonnet or screen made of wire, sheet iron or other suitable metal, in such a way as to prevent the sparks, coals or cinders from escaping.

691. No tar, pitch, turpentine, rosin, oil or grease, shall be boiled or heated near the harbour except at such safe place as the Harbour Master or his assistant, may point out, unless a proper person remain constantly in charge of the pot or kettle, which shall be provided with a sufficient cover or other effectual means of immediately extinguishing any fire which might occur during such boiling or heating or otherwise—provided that this section shall not apply to any shipyard or enclosed private property.

692. No master or person in charge of any vessel shall throw, or permit, any ballast, rubbish, ashes, coals, cinders or refuse matter to be thrown, from his vessel, craft or floats, or boats into the harbour or slips, nor shall any person or persons throw dirt, filth, rubbish, obstructions, logs or matter of any kind, into the harbour or slips, which would tend to choke or obstruct or fill up or impair the use or injure the navigation of the harbour or slips or foul said harbour or slips.

693. No person shall place any earth, obstructions, logs or other matter on the ice of the harbour or slips or in the harbour or slips or on the shores of the harbour or slips or upon any of the public wharves, piers or embankments.

694. No person shall unload any vessel, craft or float, at or on any of the public wharves, landings, docks or slips which now are or hereafter may be in this city or otherwise place or de-

posit at or on any such wharves, landing docks or slips, any stone, timber, lumber, firewood or other materials, without permission of the Harbour Master or his assistant or some other authorized officer of the city—provided that nothing in this section contained shall affect the rights of private owners or lessees of wharf property.

695. Any person offending against any of the three last preceding sections, shall be compelled to remove, where possible, the thing unloaded, landed, or deposited, immediately after receiving notice from the Harbour Master or his assistant or from any Police Officer or other City Officer, to that effect, and a refusal or neglect to so remove the same, where possible, will be a breach of this By-law, equally with the unloading, landing or depositing thereof, and similarly punishable, and each days default will be a separate offence.

696. No person shall place the dead body of any animal or any part of any dead animal in the waters of the harbour or slips or on the ice thereof.

697. No person shall drown or kill any animal in the waters of the harbour or slips, leaving its body therein.

698. No person shall cut any holes in the ice of the harbour or slips, unless for the purpose of drawing water or of easing vessels laid up in the harbour, which shall be done and protected under the direction of the Harbour Master or his assistant, and no person shall cut or take any ice in the harbour or slips without first applying to the Harbour Master and having a place assigned to him for that purpose, and no ice shall be cut or taken from any such place, unless, and until, such place has been protected or planted around with pine, hemlock or cedar bushes, stuck upright in the ice and at least four feet high from the surface of the snow and six feet apart or with a substantial rail fence of the same height and to the satisfaction of the Harbour Master or his assistant.

699. It shall be the duty of the Harbour Master or his assistant to assign, on application of any resident of the city or any master of a vessel lying in the harbour, a fit place in the harbour at which such resident or master may cut and take away ice after protection and planting as aforesaid.

700. No vessel or craft shall lay up in the harbour or any of the slips without the owner, master or person in charge notifying the Harbour Master, whose duty it shall be to assign a place in which such vessel or craft shall lay up and to keep a register of the vessels so laid up and the places by him assigned them. But nothing herein contained shall prevent the owner or lessee of a wharf from laying up any vessel at the outer end of his wharf or in the slip at the side thereof except when by the provisions of this By-law relating to the harbour the slip is to be kept clear and in so far as it is to be kept clear, and so as not to hinder and obstruct either vessels or the use of the slip by the public.

701. All masters or persons in charge of vessels or craft arriving in the night time shall hoist their distinctive colors on the following morning at sunrise and continue flying them until boarded by the Harbour Master or his assistant, and it shall be the duty of this Officer or his assistant to board them with as little delay as possible.

702. The hands or crew in the absence of the master of any vessel, craft or float shall be liable to the provisions of this By-law relating to the harbour, and in such case any order lawfully given by the Harbour Master or his assistant shall have the like effect, and be obeyed as if given to the master in person.

703. No person shall disobey the lawful orders or directions of the Harbour Master or his assistant in administering the provisions of this By-law relating to the harbour, and no person shall molest, hinder or disturb them in any way, while in the proper performance of their duties as authorized by the provisions aforesaid, and such assistants when acting on behalf of the Harbour Master shall have and receive the same powers and consideration from all persons as the Harbour Master.

704. That hereafter, subject to the rights of the Government and of the military authorities, and any private rights which may exist, no wharf, pier or other erection shall be begun or built or extended in any part of the waters of the harbour without permission be first had and obtained from the City Council, by resolution of the Council adopted at one of its regular meetings, and hereafter no wharf, pier or other erection shall be permitted to

extend or shall extend beyond or further out than the dotted line in red ink on a plan of the harbour made by John C. Innes, C.E., dated the nineteenth day of December, 1879, and deposited in the office of the City Clerk, which line is marked "line of wharf extension" on said plan; and wharves and piers may with such permission as aforesaid be extended out to the said line and no further.

705. The words "vessels and crafts" shall be deemed to include every species of steun and other vessels and boats lying or floating in or navigating the harbour, and the word "float" shall be deemed to mean and include all rafts of timber, lumber, logs, wood, trees, firewood, or other floating material, and the word "harbour" shall mean and be deemed to include all those parts of Lake Ontario and the great River Cataraqui, by law included within the limits of the city and harbour of Kingston together with the slips connected therewith and part thereof.

706. No person shall drive or ride a horse or horses on or near any of the wharves at a quicker pace than a walk, and the drivers of cabs, carts and other vehicles shall so arrange them as not to block up or unduly obstruct the entrance or passage to any wharf.

707. Any person causing or procuring or permitting anything to be done contrary to the provisions of this By-law relating to the harbour shall be equally guilty of a breach thereof as the person actually doing it.

708. No person shall sound any steam-whistle or steam sounding apparatus on any steamboat or vessel in the harbour except one blower whistle three times in succession on entering the harbour.

709. No person shall sound any steam-whistle or steam sounding apparatus on any steamboat or vessel in the harbour approaching the Cataraqui Bridge on either side for the purpose of passing through the same, until such steamboat or vessel is within five hundred yards of the said bridge, and then only by giving four sharp short whistles or blows, which may be repeated once.

710. Provided that nothing herein contained shall be construed to prevent the sounding of any such steam-whistle or steam

sounding apparatus where actually necessary for the prevention of accidents in navigating the harbour, but no steam-whistle shall be blown or sounded more than ten seconds at one time without an interval of one minute each time of blowing or sounding.

711. No steamboat or vessel shall, whilst lying at any wharf or moored in the harbour, sound any steam-whistle or other steam-sounding apparatus.

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**TITLE 2.—Respecting Telegraph and Telephone Poles and Wires.**

712. Telegraph and telephone poles shall be erected in the public streets and places in the city only in such a manner as that the public right of travelling on, and user of, said streets and places shall not be interfered with, and not more than one row of such poles (counting those now erected), whether telegraph or telephone, or the two combined, shall be erected on one and the same side of any public street or place without the leave of this Council, and such row of poles shall be placed immediately outside or at the outer edge of the sidewalk, and where there is no sidewalk, then within ten feet from the side of the street or place—provided that the poles of the fire-alarm telegraph shall be held to be telegraph poles within the meaning of this section.

713. The said telegraph and telephone poles shall not exceed forty feet in height from the surface of the street or place, they shall be of cedar or pine, straight and sound and perpendicular when placed, and not less than six inches in diameter at the small end, and they shall be cleared of branches and bark and well smoothed and rounded, and they shall be painted with two coats of paint by the companies or proprietors immediately upon being erected and thereafter at least once every two years, with one coat of paint, and in such colours as this Council may desire—provided that all poles now erected which have not been yet painted shall be painted with two coats as aforesaid immediately after the passing of this By-law and shall thereafter be painted every two years as aforesaid by the companies or proprietors.

714. The lowest wire hung or attached to any of the said poles shall be at least twenty-two feet from the surface of the street or place beneath it at the lowest part of the said wire and this section shall apply to poles and wires now erected.

715. The said poles shall be planted firmly and securely perpendicularly, their lower ends being not less than five feet beneath the surface of the street or place, and they shall be so maintained, and when broken or in disrepair they shall be renewed with sound poles conforming to the requirements of this By-law relating to telegraph and telephones poles and wires and painted as aforesaid.

716. None of the said wires shall cross or pass along any roof except at a distance of two feet above the same or be supported by or from any roof without leave of the owner.

717. No such pole shall be erected opposite the door of a dwelling house or shop in such a place or manner as that free access to and from such dwelling house or shop shall be impeded.

718. No person shall stick or fasten any sign boards, advertising boards, bills, posters, notices, papers, advertisements, or documents of any kind, printed, written, painted, marked or otherwise formed or executed to, or upon, or against any such pole, or paint or mark anything thereupon.

719. The provisions of this By-law relating to telegraph and telephone poles and wires shall also apply to every other kind of poles that may hereafter be authorized by law to be erected in the public streets or places.

720. No person shall when, or in the course of erecting or repairing telegraph or telephone poles, or hanging, fixing or repairing telegraph or telephone wires or other apparatus, or making preparations therefor, shall cut down, cut, break, lop or injure any tree, shrub or sapling planted in any public street or place, or any branch or part thereof.

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## DIVISION XI.

### TITLE I.—Public Morals.

721. No person shall, within the city, sell or give intoxicating drink to a child under the age of fourteen years without the consent of the parent, master, or legal protector of such child.

722. No person shall post indecent placards, writing or pictures, or write indecent words, or make indecent pictures or drawings, on any walls or fences in the streets or public places within the city.

723. No person shall be guilty of profane swearing, or shall make use of obscene, blasphemous or grossly insulting language, or be guilty of any other immorality, indecency or vice within the city.

724. No person shall exhibit, or sell, or offer, or expose for sale, or have in his possession within the city for sale, any indecent or lewd book, paper, picture, plate, drawing, or other thing.

725. No person shall exhibit or perform any indecent, immoral or lewd play, performance or show, or give any indecent exhibition within the city, and the Mayor, Police Magistrate, the High Bailiff or Chief of Police, or any policeman or peace officer, may prevent the same from being given, performed or exhibited.

726. No person shall make any indecent public exposure of his person within the city.

727. It shall not be lawful for any person to be found in any of the public streets, parks or places in the city indecently or insufficiently clothed or dressed, so as to cause an indecent public exposure of the person or indecent exhibition, and any person so found shall be deemed to be guilty of a breach of this By-law.

728. It shall not be lawful for any person to be found in any of the public streets, parks or places in the city, if a woman or girl, dressed as a man or boy, or if a man or boy, dressed as a woman or girl, or otherwise masked or disguised to conceal or facilitate the concealment of such person's identity, and any person so found shall be deemed to be guilty of a breach of this By-law.

729. No person shall bathe or wash his person on the shores or wharves or in the harbour of the city within the limits of the city between the hours of six o'clock in the forenoon and eight o'clock in the afternoon, except in any public bath hereafter to be established by by-law; Provided always that nothing in this section shall be held to prevent any person from bathing in the said harbour at Point Frederick, so long as the Department of Militia and Defence does not object thereto.

730. No person shall keep or frequent a house of ill fame or a disorderly house within the city, or in any manner contribute to the support of such house or of any inmate thereof, or voluntarily reside therein.

731. No person shall knowingly let any house or building within the city to be used as a house of ill fame, or knowingly or wilfully permit any house of which he is the owner, trustee, lessee or agent, or otherwise controls, to be so used.

732. No person shall permit his house or other building within the city to be used, frequented or resorted to by disorderly or drunken persons, betting men, gamblers, vagrants, prostitutes, or other persons of bad character.

733. No person shall keep a gambling house within the city, or keep or use or permit to be kept or used, for the purpose of gambling, in any house, room or place, within the city, occupied by him, any faro bank, rouge et noir or roulette table, or any other device for gambling, or permit or allow any games of chance or hazard with dice, cards or other device, to be played for money, liquor, or other thing, within such house, room or other place, and no person shall permit any description of gambling, playing at cards, dice, or other games of chance, or betting, in any such house, room or place, and no person shall frequent any such house, room or place, or gambling house, or be therein for the purpose of gaming.

734. No person shall knowingly let any house or building within the city, or permit any house or building within the city of his, or of which he has charge or control, to be used as a gambling house or place wherein gambling or gaming is to be, or is, carried on, and no person shall sell or conduct the sale of any article or thing in any public street, square, park, or public mar-

ket place by way of lottery, or gift sale, (real or pretended) or in any way in which there is an element of gambling, or shall invite or induce any person to become a purchaser of any such article or thing offered for sale in such a manner, and no person shall place or exhibit for the purpose of gambling or gaming, any gambling or gaming board, table or apparatus, or other device for gambling or gaming, in any public street, square, park, or place, or shall gamble or play games thereon or therewith in such public street, square, park, or place, or invite or induce other persons to gamble or play games thereon in such public street, square, park, or place.

735. The Mayor, Police Magistrate, High Bailiff or Chief of Police, or any policeman or peace officer, may enter into any house, room or place within the city in which any faro bank, rouge et noir or roulette table, or other device for gambling, may be kept or used for gambling, or in which gambling of any description may be carried on, and may arrest any person who shall be found therein, and seize and destroy all such faro banks, rouge et noir, roulette tables, and other devices for gambling as shall be found therein.

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**TITLE 2.—Drunk and Disorderly Persons and Mendicants.**

736. It shall not be lawful for any person to be found drunk or fighting or offering to fight or quarrelling or brawling or shouting, or otherwise disorderly, in any public street, highway, or public place in the said city.

737. All persons who shall be found drunk, or fighting or offering to fight, or quarrelling, brawling or shouting or otherwise disorderly, in any public street or highway or public place in the said city shall immediately be taken into custody by any Police Constable, and shall be fined in such penalty and dealt with in such manner as is authorized by this By-law for a breach thereof.

738. All persons wandering abroad, or placing themselves in streets, public places, courts or passages, or going from door to door to beg or gather alms, or causing or procuring or encouraging any child or children so to do, or endeavouring by the exposure of wounds, diseases, or deformities, to effect the same pur-

pose, and all persons imposing, or endeavoring to impose, upon persons or charitable institutions by any false or fraudulent representation, either verbally or in writing, with a view to obtain money or some other advantage or benefit, shall be deemed mendicants and street beggars within the true meaning and intent of this By-law.

739. If any drunken person, mendicant or street beggar as aforesaid shall be found or seen acting as aforesaid, it shall be deemed an offence against this By-law, and it shall and may be lawful for any constable or any other person whomsoever without any warrant for that purpose to apprehend such person so found offending, and to carry and convey or cause to be carried and conveyed such person when so apprehended before the police magistrate or any other justice of the peace of the said city, having jurisdiction, or to the police station, there to be kept until such person so apprehended can with all convenient speed be brought before the said police magistrate or justice of the peace.

740. When any drunken person, mendicant or street beggar, as aforesaid, shall be apprehended by any person or constable as aforesaid, and brought before the police magistrate or any justice of the peace as aforesaid, it shall and may be lawful for the said police magistrate or justice to examine the person apprehended, and to take the evidence upon oath of any credible person as to the offence of drunkenness, mendicancy or street begging, as the case may be, alleged and charged against the person so apprehended; and if such offence be proved such person shall be deemed to be guilty of a breach of this By-law, and shall be dealt with accordingly.

741. Instead of proceeding under this By-law against any such drunken person, mendicant or street beggar, the police magistrate or other justice having jurisdiction, may proceed against such drunken person, mendicant or street beggar under any statute or law dealing with such persons.

742. It shall not be lawful for any person in any public street or place to importune another person for help or aid in money.

743. It shall not be lawful for any deformed or malformed or diseased person to expose himself, or for any person to

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expose any deformed, or malformed, or diseased person, in the public streets or places to excite sympathy or induce help or assistance from general or public charity; and every deformed, malformed or diseased person so exposed contrary to this section, shall be immediately removed or caused to be removed by any officer of the City Council or police constable, and in case of a repetition of the offence any such deformed, or malformed or diseased person, and any person exposing such malformed, deformed or diseased person, may be forthwith arrested and taken into custody, to be brought before the police magistrate or other justice as aforesaid to be dealt with as for a breach of this By-law.

744. Provided that any person having a certificate signed within six months by a priest, clergyman or minister of the gospel or two justices of the peace residing in the said city, that he or she is a deserving object of charity, may beg and take alms in the said city notwithstanding anything herein contained.

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**TITLE 3.—Police.**

745. There shall be a Police Force established and maintained for the city.

746. A Police Office and Station is hereby established in and for the City of Kingston, and the present Police Office and Station, situate in the City Buildings, shall continue to be the Police Office and Station of the said City.

747. The Police cells and the ante-room or day room thereto now used in connection with the said Police Office and Station shall also, from and after the passing of this By-law, be and constitute, and are hereby established, a Lock-up house for the said city, and said Lock-up house shall be in charge of and under the management, regulation and control of the Board of Commissioners of Police of the said city in connection with the said Police Office and Station.

748. The persons detained in the said Police Office and Station, or in the said Lock-up house, from time to time, shall be in charge of the Police Force of the said city, under the regulations of the said Board of Commissioners of Police, made or to be made in

that behalf. And no person shall hold any conversation, or have any communication by speech-signs or by writing or by letter or otherwise, or shall hand or throw or convey any liquor, tobacco, lights, matches, cigars, cigarettes, weapons, tools, implements, or any other article or thing whatsoever to any person detained in the said Lock-uphouse or Police Office and Station, clandestinely or secretly, or otherwise, except through the medium or with the permission of the Police authorities in charge, and any such article or thing given or conveyed as aforesaid without the permission of the Police authorities in charge, or through them, to any person detained in the said Lock-up house or Police Office and Station, shall be destroyed or forfeited to the use of the public, as the said Board may determine.

749. The provisions of this By-law contained in the four preceding sections are subject to the provisions of the Municipal Act in that behalf.

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## DIVISION XII.

### TITLE I.—Court of Revision.

750. The Court of Revision shall not have power to remit or reduce the taxes due by any person unless the petition for such remission or reduction is presented not later than the month of November in the year for which such taxes are imposed, and all such remissions and reductions shall be made by the Court of Revision in the year in which such taxes are imposed, and not otherwise.

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## DIVISION XIII.

### TITLE I.—Public Works, Contracts, Labour, and Supplies.

751. No Mayor, or other member or members, or committee, of this Council, or officer thereof, shall order or contract or assume to order or contract for any works to be done or men, horses, vehicles or machines to be employed, or to purchase or procure any such, for, to, or in the name, or on behalf of, this Council or Corporation, unless such mayor or member or members or committee or officer be expressly authorized so to do by a resolution of this Council duly to be passed antecedent to any such ordering, contracting, employing or purchasing. Provided that nothing herein contained shall be held to prevent the mayor or other head of the Council for the time being in case of emergency and where the public interest or safety would be endangered by delay or where the preservation or protection of the public property immediately requires it, to order, contract, employ or purchase as aforesaid, as may be absolutely necessary in the particular case, upon the requisition of a quorum of the proper committees according to the nature of the case; all such transactions to be reported to the next ensuing meeting of this Council. And provided that the mayor or any Committee may in case of emergency as aforesaid, order, contract, employ, or purchase as aforesaid to the extent of twenty dollars only.

752. All work and materials, labor and supplies beyond the value of twenty dollars shall be contracted for on tender called for by public advertisement or posters and accepted by this Council by resolution duly to be passed. Provided that ordinary street cleaning, patching and materials therefor, may be ordered by the Chairmen of the Streets Committee and of the several Wards, within the limits of their several and respective appropriations, and provided further that the provisions of this Division of this By-Law shall not apply to work required to be done in the city Parks within the Parks appropriation when the amount to be expended by the Parks Committee does not exceed sixty dollars, and no Ward appropriation, special or other appropriation, shall in any case be exceeded without the express authority of the City

Council as aforesaid, and this Corporation shall not be liable for any such excess in the absence of such authorization of this Council.

753. This Corporation shall not be liable for and shall not pay for any work, labour, materials, articles or supplies as aforesaid, ordered, purchased, contracted for, or employed, contrary to the provisions of this By-Law relating to public works, contracts, purchases, labour, and supplies; and it shall be the duty of the City Engineer, and of every officer and member of this Council, upon learning that any of the said provisions relating as aforesaid, has been infringed, immediately to report the same to the Mayor, or to this Council, and in the meantime to cause all action in such matter to be suspended; and the said City Engineer shall keep a true account of all appropriations and shall see that the same are not exceeded in any case, and shall forthwith report to this Council when each appropriation has been expended, and shall also stop immediately all work in connection with which such appropriation was made or granted.

#### **TITLE II.—House of Industry.**

754. The house and premises on Montreal Street, in this City now occupied and used as a House of Industry, shall continue to be the House of Industry of the said City.

755. There shall be chosen annually on the first Monday in February, in manner hereinafter mentioned twelve Inspectors (six of whom shall be a quorum) to govern and manage the said House of Industry under the rules and regulations for the proper management and discipline of the said institution, and of the inmates and officers, to be adopted and approved of by the City Council of the said City from time to time.

756. The following Rules and Regulations are declared to be the Rules and Regulations for the government and management of the said House of Industry, and its inmates and officers:—

##### **(a) INMATES.**

1. Every applicant for admission to the House of Industry must present a ticket of admission from at least one Inspector of the Institution.

2. All applicants must disclose all the particulars concerning themselves required by the Institution for entry in the Admission Book kept by the Superintendent.

3. All Inmates who are able shall rise at the ringing of the bell at six o'clock during the months of May, June, July, August and September, and at seven o'clock during the remainder of the year.

4. No Inmate shall be allowed to sit down to meals without appearing clean and properly washed.

5. No profane or immoral language or conduct shall be permitted in the Institution. No smoking allowed in the dormitories, and no spirituous liquors allowed on the premises without permission from a Medical Officer being given in writing.

6. The inmates who are able may attend their several places of worship on Sundays, but shall return to the House immediately after service unless permission to the contrary has been obtained from the Superintendent.

7. All inmates are required to attend Divine Service which they respectively profess when held in the House, unless excused by the Superintendent.

8. Persons supported in this Institution shall perform any work they are required to do by the Superintendent or Committee.

9. No Inmate shall leave the Institution expecting to return without permission of the Superintendent.

10. Any Inmate found in a state of intoxication shall be immediately reported by the Superintendent to the weekly Committee.

11. Any Inmate violating any of the above rules for the first offence shall be reported in writing by the Superintendent to the weekly Committee; and for the second offence shall be subject to dismissal by the Superintendent, who shall report his action.

(b) OFFICERS.

757. The Officers of the said Institution shall consist of a Superintendent and a Matron, and any nurse or nurses which may be occasionally employed by the Board.

758. The Superintendent and Matron shall be appointed by the Board, and shall hold office during pleasure and reside in the Institution, and shall have free rations, lodging, fuel and light, and shall take charge of the provisions and stores and administer

the same to the inmates with care and without waste. They shall see that the inmates wash themselves regularly, and keep themselves and their clothes clean, and that the rooms and dormitories and bed clothes are regularly cleaned and kept clean, and they shall not absent themselves from the Institution without leave except on its business, and both shall not be absent at the same time; and they shall in all things obey the Board, and the member or members composing the Visiting Committee from time to time.

759. (c) PERSONS WHO ARE INELIGIBLE FOR ADMISSION TO THIS INSTITUTION.

1. Any former inmate who has been dismissed from the Institution for bad conduct, unless the Inspectors are satisfied as to reformation in character.

2. Persons who are depraved in their morals, and whose general character is bad.

3. All persons with contagious disorders, or who require constant medical treatment.

760. Four of the said Inspectors shall consist of the Mayor of the City for the time being, and three members of the said City Council, to be chosen by the said Council annually, on or before the first Monday in February in each year.

761. The remaining Inspectors shall be chosen as follows: the persons who shall be annual subscribers in aid of the funds of the said Institution to the amount of four dollars per annum and upwards, shall at a meeting to be held for the purpose annually on the first Monday of February in each year as aforesaid, of which meeting one week's public notice in the city daily newspapers shall be given, by the votes of a majority of such subscribers present at such meeting, select eight of the said subscribers as Inspectors, who with the other Inspectors, members of the said Council, shall form the Board of Inspectors of the said Institution.

762. The first meeting of the subscribers hereinbefore mentioned for the election of Inspectors, in accordance with the last section of this By-law, shall be held on the first Monday in the month of February, next ensuing the date of the passing of this By-law.

763. The said Inspectors shall appoint one of themselves to be Secretary-Treasurer of the Institution.

764. The Institution shall be supported exclusively on its own proper income and revenue, out of which it shall also be kept in repair; and the Corporation of the City of Kingston shall not be liable to any person whomsoever for or on account of any salaries, supplies, repairs, or any other matter or thing connected with the said Institution or its management.

765. A Committee consisting of two of the Inspectors in rotation, shall visit the Institution and superintend its internal affairs, including the admission of inmates, on Wednesday in each week.

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**TITLE III.—To provide a summary remedy if By-laws are not obeyed.**

766. Whereas, by section 485 of the Municipal Act, it is enacted that whenever any Municipal Council has any authority to direct by By-law or otherwise, that any matter or thing should be done by any person or corporation, such Council may also by the same or another By-law direct that in default of its being done by the person or corporation, such matter or thing shall be done at the expense of the person or corporation in default, and may recover the expense thereof with costs by action or distress; and that in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes.

767. Therefore it is enacted that whenever this Council has, by By-law or otherwise, lawfully directed any matter or thing to be done by any person or corporation, and if such person or corporation has made default in doing the matter or thing as directed, such matter or thing may be done at the expense of the person or corporation in default by this Council, and this Council may recover the said expense, with costs, from such person or corporation by action or distress; and in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. Provided always that instead of proceeding under this section, the offending person or persons in default may be proceeded against as such and dealt with under the penal provisions of this By-law hereinafter contained.

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768. That the following Section be inserted after Section 417 of this By-law and be read and construed as Section 418 of this Bylaw:

418. Provided that no market fee shall be imposed or collected upon or in respect of, any grain, seeds, dressed hogs or wool exposed for sale on that part of any street immediately adjoining or surrounding or being within one hundred yards of either of the said market places, numbers 1 and 2, as hereinbefore defined, or upon the vehicles containing the same, in accordance with Section 1, 46 Victoria, chapter 17, O.

**PENALTY.**

769. Any person guilty of a breach of any of the provisions of this By-law shall, unless where another and different penalty is prescribed by this By-law, on conviction, be fined in any sum not exceeding fifty dollars, exclusive of the costs of prosecution, and in default of payment of the fine and costs forthwith, or as directed by the convicting magistrate, the said fine and costs may be levied by distress and sale of the goods and chattels of the offender: and in default of sufficient distress out of which the said sums can be levied, and in default of payment of the same otherwise, such offender may be imprisoned in the common gaol of the County of Frontenac, with or without hard labour, for any period not exceeding six months, unless the said fine and costs are sooner paid. Provided that where another and different pecuniary penalty is prescribed for an offence against this By-law, the same may be, when inflicted, recovered, together with the costs imposed, in the above manner, unless another manner for the recovery of the same has been provided.

770. This By-law shall come in force and take effect on the thirty-first day of December next.

CHARLES LIVINGSTON,

*Mayor.*

MICHAEL FLANAGAN,

*City Clerk.*

[I.S.]

*By-*

*Vol. of  
Bylaw  
Book.*

I

## SCHEDULE A.

*Bylaws which, or the Parts of which, in force, are  
Consolidated and Repealed.*

<i>Vol. of Bylaw Book.</i>	<i>Page.</i>	<i>Title of Bylaw.</i>	<i>Date of Passing.</i>
I	33	CHAPTER I. An Act to regulate the duty and office of Treasurer of the Mayor and Council of the Town of Kingston .....	28th May, 1838.
	40	CHAPTER 3. An Act for the Suppression of Nuisances in and Good Government of the Town of Kingston..	25th June, 1838.
	56	CHAPTER 9. An Act to Establish a Board of Health in the Town of Kingston .....	20th Aug., 1838.
	60	CHAPTER II. An Act to impose a Tax upon Dogs and to regulate the manner in which the same shall be kept by the owners thereof .....	
	71	CHAPTER 14. An Act for the Suppression of Nuisances in and Good Government of the Town of Kingston..	15th June, 1840.
	79	CHAPTER 17. An Act to regulate the licensing or prevent the exhibition of Theatres or other Public Shows or Exhibitions in the Town of Kingston ....	7th Sept., 1840.
	88	CHAPTER 22. An Act for the licensing of owners or keepers of Livery Stables in the Town of Kingston, and for the regulation of the same, and to repeal the former Act relating thereto.....	26th April, 1841.

<i>Vol. of Bylaw Book.</i>	<i>Page.</i>	<i>Title of Bylaw.</i>	<i>Date of Passing.</i>
1	107	CHAPTER 27. An Act relating to Licensed Carters in the Town of Kingston .....	20th Dec., 1841.
	112	CHAPTER 28. An Act to establish a Police Force in the Town of Kingston .....	20th Dec., 1841.
	115	CHAPTER 30. An Act to amend the Act relating to the licens- ing of owners or keepers of Livery Stables..	7th Feb., 1842.
	117	CHAPTER 31. An Act to regulate the Assize of Bread for the Town of Kingston .....	28th Feb., 1842.
	135	CHAPTER 44. An Act to amend the Act relating to the licens- ing of Theatres and other Public Shows ....	15th May, 1843.
	139	CHAPTER 48. An Act to amend and repeal parts of certain Acts relating to the impounding of Cows....	20th May, 1844.
	140	CHAPTER 49. An Act to alter the amount of Fines imposed by certain Acts of the Common Council and to amend the Acts relating to Carters and Cabmen .....	3rd Oct., 1844.
	144	CHAPTER 51. An Act relating to Licensed Cabmen and Cart- ers in the Town of Kingston .....	29th Sept., 1845.
2	37	CHAPTER 1. An Act to prevent the disturbance of the public peace and good order by unlawful assem- blages known as Charivaris.....	24th Aug., 1846.
	39	CHAPTER 2. An Act to license and regulate Billiard Tables, Bowling Alleys, and so forth .....	24th Aug., 1846.
	59	CHAPTER 8. An Act relating to the Streets in the City of Kingston .....	13th Sept., 1847.
	67	CHAPTER 9. An Act to license and regulate Victualling Houses and other Houses of Refreshment in the City of Kingston .....	27th Sept., 1874.

of Passing.

Dec., 1841.

Dec., 1841.

Feb., 1842.

Feb., 1842.

May, 1843.

May, 1844.

Oct., 1844.

Sept., 1845.

Aug., 1846.

Aug., 1846.

Sept., 1847.

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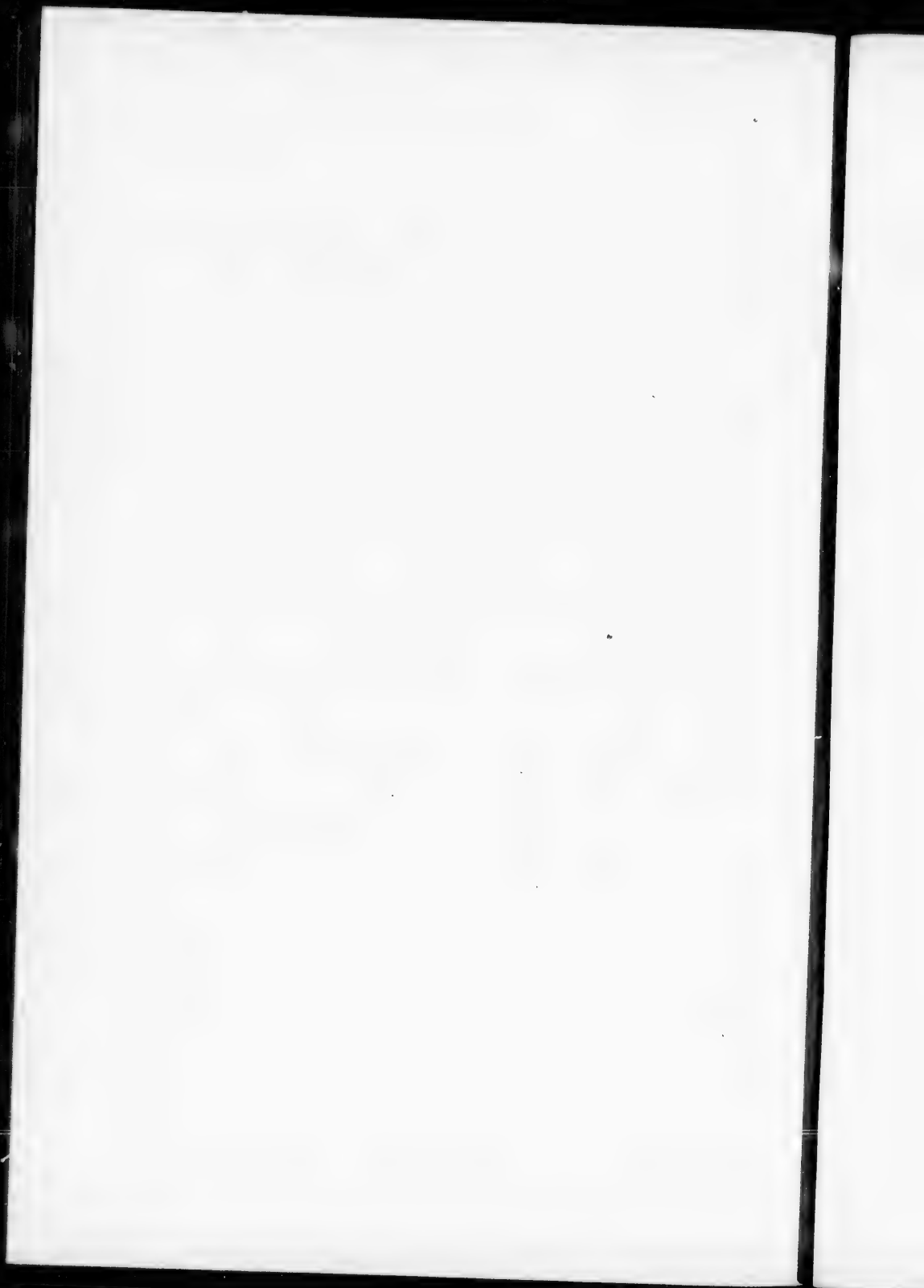
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## SCHOOL TRUSTEES.

### PUBLIC SCHOOL BOARD TRUSTEES, 1883.

G. R. WALDRON, Esquire, CHAIRMAN.

Messrs. W. Irving, W. Allen, N. C. Polson, R. M. Horsey, Dr. Fee, J. Wilson, W. Dunlop, R. V. Rogers, jr., H. B. Savage, R. Shaw, W. Robinson, jr., W. M. Drennan, S. Anglin; Secretary-Treasurer, S. S. Phippen; Inspector, W. G. Kidd.

### ROMAN CATHOLIC SEPARATE SCHOOL BOARD TRUSTEES, 1883.

THE REV. P. A. TWOHEY, CHAIRMAN.

Messrs. W. H. Sullivan (Secretary), P. Smyth (Treasurer), E. Garvin, B. Nelligan, J. Campbell, D. Driscoll, O. Tierney, Arch. Hanley, Wm. Leahy, M. Flynn, J. A. McMahon, Wm. Power, R. J. Bowes.

## LICENSE COMMISSIONERS, 1883.

John McKay, jr., John F. McDermott, R. Crawford. License Inspector,  
William Glidden.

## POLICE FORCE, 1883.

Chief, Edwin Horsey; Sergt.-Major, Robert Bell; Sergeant, Robert  
Carson; Privates, William Hinde, Robert Nesbitt, Matthew Campbell,  
Alexander Snodden, Philip H. Small, Samuel McCormack, John Tuttle,  
Orlando Burnett, James McGarry, Robert Aikens.

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## A BY-LAW

### *Relating to and to provide for the licensing of Carters and Cabmen in the City of Kingston.*

Passed this 4th day of January, 1882.

Be it enacted by the Board of Commissioners of Police of the City of Kingston as follows:

#### CARTERS.

1. This Board may from time to time, as may be required, by order license as a public carter any sober respectable person, who is of the age of eighteen years at least and who is provided with a proper horse, harness, and cart, upon his paying the license money hereinafter mentioned, to the City Treasurer, and producing the City Treasurer's receipt for the same to the Clerk of the Board, and the Clerk of the Board shall thereupon issue the license and shall file the receipt and shall be entitled to receive a fee of twenty-five cents for his own use from the licensee.

2. The price or charge for a carter's license as aforesaid to persons residing within the limits of the City shall be four dollars, and to persons residing without the said limits shall be ten dollars. Licensed carters shall have the exclusive privilege within the limits of the City of Kingston of carrying loads on carts or other vehicles for hire.

3. Every cart or other vehicle used by a licensed carter in his business shall have his name in full plainly painted thereon in some conspicuous place in black letters on a white ground, and also a number corresponding with the number of his license similarly painted beneath his name, such letters to be one inch and a half long and three-eighths of an inch broad, which painting and numbering shall be done under the supervision of the Chief of Police, and such licenses shall be numbered from one upwards in yearly series, and each new license issued in lieu of

Inspector,

Robert  
Campbell,  
Tuttle,

a former license shall bear the same number that was borne by the former license, and any licensed carter who shall drive a cart or other vehicle in the City of Kingston without having the same painted and numbered as aforesaid shall be dealt with as for a breach of this By-law and shall be subject to the penalty and costs in that case provided.

4. Each carter's license shall expire on the thirty-first day of December next following its issue, and if it has been issued after the first day of July only one half of the license money shall be charged.

5. It shall be the duty of the Chief of Police to enter in a book to be kept for that purpose the number of the licenses issued to the owners of carts and other vehicles licensed, (which shall also be the numbers to be painted on the said carts and other vehicles respectively as aforesaid) with the names of the respective licensees and their places of residence, and no such license shall be transferable, neither shall it authorize the carter to employ more than one vehicle to be drawn by one or two horses, or mules, as the case may be.

6. No unemployed licensed carter shall when called upon neglect or refuse to take and draw a load, and no licensed carter shall refuse to load his cart or vehicle with any loading that may be conveniently packed or borne thereon not exceeding twelve hundred pounds avoirdupois weight for each horse, but he shall not be obliged to load, or carry at any one time, more than one pipe or puncheon of wine or liquor, or one hogshhead of molasses or sugar.

7. No licensed carter shall charge, take or extort a greater price or rate for his service than that which is hereinafter authorized, and any licensed carter who shall be guilty of so doing, or who shall be guilty of cruelty to his horse, or of fraud, deceit, gross negligence, drunkenness, profaneness, insulting or improper language or conduct in following his calling shall be liable to be dealt with as for a breach of this By-law, and also to have his license forfeited upon conviction.

8. If any accident or injury shall happen to any person, animal, cart, carriage, vehicle, or other thing, by reason of coming into contact with any licensed carter's horse, or cart, or vehicle, or

with anything loaded thereon, while the same is moving, it shall be the duty of the said carter, or the driver of such horse and vehicle, immediately to stop, and, if necessary, render assistance, and he shall also on demand give his name and the number of his license and vehicle, and in case any damage or injury shall happen as aforesaid, or to any article or thing while conveyed by a licensed carter or by his driver, in his cart or other vehicle, in consequence of his or his driver's negligence, carelessness, or inattention, or from the defect or insufficiency of his horse, vehicle, harness or tackle, (any of which is hereby declared to be an offence against this By-law), the said carter shall by way of penalty forfeit and pay to the person sustaining the damage or injury, or the owner or person having charge of such article or thing, the amount of the damages which shall be assessed by the Police Magistrate of the city, and such carter may also be dealt with as for a breach of this By-law, and on his neglect promptly to pay such damages, his license may be forfeited.

9. Every licensed carter when called upon by the Mayor, Police Magistrate, or any member of the police force, shall aid and assist with his cart or other vehicle in the conveyance to the police station house, or to prison, of persons arrested for any offence within the said city.

10. The stands for carters when unemployed and waiting to be hired shall be those authorized and assigned by the City Council of the said city, and no licensed carter shall wait, loiter, or remain with his horse and vehicle on any part of the Market Squares, or on any public street, square, place, wharf, or slip, in the said city, except on the said stands, unless when actually employed in his business as a carter.

11. Every licensed carter who is provided with chains, wheels and other necessary tackle for transporting timber or other heavy loading with two horses, shall be allowed to demand for drawing any such load not being store or shop merchandize twice the usual charge.

12. Nothing in this By-law shall prevent a licensed carter at his own option from being employed by special agreement at rates other than the rates herein fixed, or from engaging by the hour, or by the day, at such rates as may be agreed upon, but such agreements shall not be enforceable under this By-law.

13. No person shall carry or draw a load within the said City upon any cart or other vehicle for hire either directly or indirectly without having a carter's license to such person as required by this By-law, and each day any person so does shall be deemed to constitute a separate and distinct offence against this By-law committed by him.

14. All disputes which may arise with any licensed carter in the pursuit of his calling, or in connection with it, shall be investigated and determined by the Police Magistrate or other member of the said Board.

15. The prices or rates to be taken by licensed carters for their services shall be the following and no other :

For each load drawn for the distance of three "blocks" of the City or under.....	\$0 15
For each load drawn for the distance of five "blocks" or under and more than three "blocks" .....	0 20
For each load drawn for the distance of eight "blocks" or under and more than five "blocks".....	0 25
For each load drawn for the distance of twelve "blocks" or under and more than eight "blocks" .....	0 30
For each load drawn to any part of the City and for a greater distance than twelve "blocks".....	0 50
For the carriage of each cord of firewood and of every three loads of sand for the distance of five "blocks" and under.....	0 30
For the same for a distance of ten "blocks" or under and more than five "blocks".....	0 40
For the same over ten "blocks" or to the limits of the city	0 50

Provided that if any carter shall be unnecessarily detained in loading or unloading for more than ten minutes he shall be allowed to charge five cents additional for every ten minutes he shall be so detained.

16. It shall be lawful for any member of the Board to suspend any carter's license for proved misconduct until the further action of the Board is taken thereon, and no person guilty of such misconduct shall afterwards drive any cart or vehicle for hire in the said city until said suspension shall be removed by the Board.

## CABMEN.

17. This Board may from time to time, as may be required, by order, license as a cabman any sober, reputable person of the age of eighteen years at least, who is provided with a proper cab, horse or horses, and harness, as hereinafter provided. Every chariot, coach, coachee, caleche, carriage, hackney, cab, barouche landau, sleigh, or other vehicle, except an omnibus, by whatever name or names it may be called, whether covered or open, on wheels, or runners, drawn by one or more horses or other animals, used for hire in the said City for the conveyance of persons within the said city, shall be deemed a cab within the meaning of this By-law.

18. Every person licensed as a cabman shall at the time of the issue of the license be the owner of one or more good sound well broken horses, a clean well painted strong and commodious cab, and strong, suitable and good harness, and decent apparel for himself.

19. Every person shall before getting his license pay his license money to the City Treasurer, who shall grant him a receipt for the same, which receipt he shall produce to the Clerk of the Board when taking out his license, and the Clerk of the Board shall file the receipt having first endorsed it with the number of the license, and shall then issue the license, and shall be entitled to receive from the licensee a fee of twenty-five cents for his own use.

20. The price to be paid for a license for a single cab to persons residing within the limits of the City shall be four dollars, and to persons not residing within the limits of the city shall be ten dollars.

21. Each cabman's license shall expire on the thirty-first day of December next following its issue, and shall not be transferable, or authorize any person to act as or practice the business of a cabman except the person named therein or his authorized driver.

22. It shall be lawful for any member of the Board to suspend any cabman's license for proved misconduct until the further action of the Board is taken thereon, and no person guilty of such misconduct shall afterwards drive any cab for hire in the said city until such suspension shall be removed by the Board.

23. Licensed cabmen shall have the exclusive privilege within the City of Kingston of carrying persons for hire in their licensed cabs.

24. Every licensed cab shall be numbered, with the number of the license granted to the owner thereof conspicuously painted on the outside back of the cab in white or gilt letters, on a black or dark green ground, the letters to be one inch and one half long and three-eighths of an inch broad, which numbering shall be done under the supervision of the Chief of Police.

25. Each cab or vehicle used for carrying passengers for hire within the City of Kingston shall require and have a separate license in respect thereof.

26. A Livery Stable license or carter's license shall not authorize the licensee to follow the business of a cabman.

27. The cabs shall be numbered from one upwards in yearly series, and the number of the license of each cab shall be worn in brass or white metal figures at least one inch in length and three-eighths of an inch broad, fastened on a black varnished leather pendant suspended on the forehead of the horse or horses attached to the cab, in respect of which such license was issued, and such figures shall always be kept bright and clean, and shall be provided by the Board, and shall be forthwith returned to the Chief of Police by any cabman who ceases to be a licensed cabman, and each new license issued in lieu of a former license shall bear the same number that was borne by such former license.

28. Every person driving a licensed cab shall be clean, decently and suitably clad, and shall be responsible for the proper condition of his cab, horse, harness, and personal appearance, and shall be of good habits and character.

29. Before any license is issued the cab, horse, and harness shall be inspected, and passed by the Chief of Police, who shall certify their condition to the Board.

30. No licensed cabman shall ply his calling or be allowed to ply his calling within the said City unless he has complied and continues to comply with the provisions of this By-law relating to licensed cabmen and cabs.

31. Every licensed cab shall be thoroughly cleaned inside and outside in the morning of each day before being used, and oftener if necessary, and the horse and harness shall always be kept clean and neat.

32. No person driving a licensed cab carrying any person for hire shall smoke tobacco or other thing in a pipe or otherwise while so engaged.

33. No person driving a licensed cab shall drive to, or remain at any house of ill-fame, and the horse, harness and cab in charge of any such person so offending may be at once taken into custody by any policeman and removed to some place of safety.

34. No person shall carry or convey in a cab any person for hire within the said City without having a license as a cabman as herein provided.

35. Any person employing any licensed cabman who shall detain the cab at his place of destination not longer than five minutes shall be entitled to return in the same cab to the place of starting without being liable to pay any additional charge, and should such detention exceed five minutes and not exceed fifteen minutes the driver shall be entitled to charge one-third of the original fare as fixed by this By-law as return fare, and should such detention exceed fifteen minutes and not exceed thirty minutes the driver shall be entitled to charge two-thirds of said original fare as return fare, and if the detention exceed half an hour the driver shall charge and be paid agreeably to the rate fixed for time.

36. It shall be lawful for a licensed cabman to charge and receive for conveying a passenger one-third more than the tariff rates herein fixed for services rendered after the hour of ten o'clock at night and before five o'clock in the morning from the first day of April to the first day of October in each year, and after the hour of nine o'clock at night and up to six o'clock in the morning during the remainder of the year.

37. No driver of a licensed cab in the said city unless *bona fide* engaged by some other person in his calling shall when called upon by any person neglect or refuse to carry and convey such person to any place within the City limits for the lawful fare, which fare shall not be payable until the service therefore shall be duly rendered.

38. It shall not be lawful for the driver of any licensed cab to demand or take for the conveyance of persons from any place within the limits of the said City to any other place within the

limits hereinafter mentioned or specified any higher fare or rates than the following which they are hereby authorized to take, that is to say,

From any one point within the City limits to any other point within the said limits (to the Grand Trunk passenger station excepted)

For one person.....	\$0 25
For each additional person.....	0 15
For each passenger to Grand Trunk Station.....	0 25
By the hour,	
For the first hour.....	1 00
Each additional hour .....	0 50

Any time over the hour to be charged in half hour fractions at 25 cents per fraction, and no additional charge to be made on account of the number of passengers or persons carried.

To and from the Grand Trunk Railway trains between 9 p. m. and 6 a.m. each passenger ..... \$0 50

And any licensed cabman or driver exacting or taking any greater price or rate than the foregoing except as in this By-law is provided shall be deemed to be guilty of a breach of this By-law and shall be dealt with accordingly.

39. There shall be affixed and constantly kept hung up in a conspicuous place inside of every licensed cab a white card-board card eight inches long by six inches wide, on which card shall be plainly printed in black letters the number of the cab, the name of the person licensed therefor, and the tariff of rates authorized to be charged for the conveyance of passengers by this By-law, with such extracts from this By-law as the Board may order, and such cards shall be furnished by the Board free of charge.

40. The driver of any licensed cab in the said City shall when required so to do by any person who has or is about to hire the same exhibit the tariff card aforesaid to such person, and shall also if requested state his own name, the number of his license and where he resides truly to such person, and if he falsely states any or either of the said particulars he shall be dealt with as for a breach of this By-law.

41. No licensed cabman or driver of a licensed cab shall act as or use his team or cab as a carter, or as a cart, or drive or lend his horse or cab to be used as or in a cart for hire to draw loads. Provided always that a licensed cabman or driver as aforesaid may convey the luggage (only) of their passengers to and from the place of departure or arrival without charge, without requiring a carter's license.

42. Every licensed cab driven, or used, in the night time unless it be clear, bright moonlight, shall while so driven or used have fixed conspicuously, outside, in front, on each side of the cab, two well lighted lamps, at least three and one half inches diameter each way, with strong glass fronts and sides. Provided that this section shall not apply to sleighs driven or used in the winter time, but the horses attached to such sleighs shall carry bells as required by law.

43. Any male person eighteen years of age or upwards, not the owner, may upon written application of the owner to the Board obtain a written permit signed by the Chairman of the Board to act as the driver of a cab, upon producing a certificate of good character and competency, and paying fifty cents to the Chief of Police for the use of the municipality, and no person shall drive a cab for hire as aforesaid except a licensed cabman or a person having a written permit as aforesaid, and the Board may cancel such permit at any time.

44. A licensed Livery Stable Keeper, may also become, on complying with the provisions of this By-law relating to cabmen and cabs and on obtaining a cabman's license and paying therefor, a licensed cabman subject to the said provisions.

45. The Board may also grant a license to any owner of an omnibus, subject to the provisions of this By-law relating to cabmen and cabs, who shall apply, and such licenses shall expire at the same time as the cabmen's licenses, and the price to be paid for such license shall be ten dollars, payable before the license issues, and every omnibus licensee shall be subject to the said provisions of this By-law.

46. It shall be the duty of the Chief of Police to enter in a book to be kept for that purpose the numbers of the licenses issued to owners of cabs licensed, with the names of the respective licensees,

and each such license shall specify the name of the cabman licensed, the number of his license and of the cab, the description of the cab and whether it is a one horse or two horse cab, and the names of all holding permits as drivers, and no such license shall authorize the cabman to employ more than one vehicle.

47. Every licensed cabman and driver shall strictly observe the provisions of this By-law relating to cabmen and cabs, and any licensed cabman or driver who shall infringe any of the provisions of this By-law relating to licensed cabmen and cabs, or who shall be guilty of neglecting to see such provisions strictly observed, or of cruelty to his horse, or of fraud, deceit, gross negligence, drunkenness, profaneness, insulting, or improper language or conduct, while following his calling, shall be liable to be dealt with as for a breach of this By-law, and also to have his license forfeited.

48. No licensed cabman or his driver shall deceive, mislead, give wrong information to, or drive to the wrong place or address from that given to him, or to any disreputable or improper place with the pretence that it is respectable, any traveller or any stranger or person arrived in the City employing him, and any such cabman or his driver so doing shall in addition to the penalty for a breach of this By-law be liable to have his license or permit forfeited or annulled.

49. No licensed cabman or driver shall because he may be employed in driving at any election charge or take any greater sum for his services than is authorized by this By-law, and the license of any licensed cabman who or whose driver acts contrary to this section, in addition to any punishment such cabman or his driver may otherwise be liable to under this By-law, shall be forfeited and shall not be renewed for one year thereafter.

50. No licensed cab shall be used in conveying or carrying any person having any infectious disease; and if any such cab has been so used it shall be thoroughly disinfected before being again used to convey passengers, and any person acting contrary to this section may be dealt with as for a breach of this By-law.

51. The stands for licensed cabmen, when unemployed and waiting to be hired, shall be those authorized and assigned by the City Council of the said City, and no licensed cabman shall wait or

loiter or remain with his horse and vehicle on any part of the market squares, or on any public street, square, or place, or slip except on the said stands unless when actually employed in his business as a cabman.

52. No licensed cabman, or his driver, shall make an additional charge for driving from the place where the hiring takes place to the place where the person to be driven is to be taken up whether the person sent to effect the hiring rides in the vehicle or not and whether the charge be made on the basis of distance or time, and in case of a disagreement as to distance, time, or price, the same may be determined by the Chief of Police, or the Sergeant-Major of Police in accordance with the tariff or other provisions of this By-law relating to licensed cabmen and cabs.

#### GENERAL PROVISIONS.

53. It shall not be lawful for any person to neglect or refuse to pay any licensed cabman or carter or omnibus driver whom he has employed when lawfully demanded, the rates or charges which such cabman or carter, or driver, is respectively allowed to charge and take under this By-law, and if it be satisfactorily proved that the proper charge was so demanded, the person so neglecting or refusing to pay shall be deemed to be guilty of a breach of this By-law, and shall be dealt with accordingly.

54. Every licensed cabman and carter shall while so licensed keep and use only sound and safe horses which they shall not ill-treat or use cruelly, good clean and sufficient vehicles and harness, they shall drive their horses at a reasonable pace, and shall not refuse to furnish their horses and vehicles when required at reasonable hours.

55. No licensed cabman, or carter, or driver, shall wilfully fail or neglect to fulfil an engagement he has entered into with any person to carry or convey him or a load for him, and any licensed cabman or carter or driver so doing, without being able to shew that his default occurred from unavoidable circumstances which he could not control, shall be deemed to be guilty of a breach of this By-law and in addition his license may be suspended for one week during which he shall not exercise his calling.

56. No licensed cabman, or carter, or cabman's driver shall act as the runner, waiter or agent for any hotel or tavern, or boarding house or lodging house.

57. No licensed cabman, or carter, or cabman's driver shall enter, or go upon, any Railway platform or wharf, to solicit or importune any person to employ or hire his cab, cart, or other vehicle.

58. No licensed cabman or carter shall assign his license or permit any other person to drive his vehicle unless he shall obtain permission to do so from the Board, which permission shall be endorsed on the back of the license, and no licensed cabman or carter shall exchange, lend out, or permit to be used by others, his license, or the number of his vehicle and license, or shall have or use a different number than the one under which he is licensed.

59. No person having charge of any licensed cab, cart, or other vehicle, shall snap or flourish his whip about or halloo, or use any uncivil or boistering language whether on any stand, or while engaged in his said business, neither shall he tease or annoy any person by his soliciting him to become his passenger, but he shall remain quietly on the stand, either sitting on his vehicle or standing near his horse.

60. The provisions of this By-law shall not be deemed to apply to persons conveying their own property or their own families or friends by their own vehicles and horses without hire.

61. No person having a valid license at the time of the passing of this By-law shall be required to take out a new license for the same subject matter until the license so held by him shall expire.

62. No agreement or engagement whatever at any time or on any occasion made with the driver of any licensed cab, cart, or other vehicle as aforesaid for the payment of more than his lawful charge, or fare, shall be binding on the person making the same, but any such person may notwithstanding any such agreement refuse on discharging such vehicle the payment of any sum beyond the lawful charge or fare.

64. It shall not be lawful for the driver of any licensed cab, cart, or other vehicle, to leave the same unattended or his horse unfastened in any part of the said City, whether he shall be hired or not, and if so left it shall be lawful for any Policeman to drive the same to a place of safety in the said City, and the driver or owner shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly. Provided that nothing herein contained

shall be construed to prevent a licensed cabman or carter or driver from leaving his horse to get or deliver baggage or other load, or to announce his arrival or assist his employer into the cab.

65. It shall not be lawful for the owner or driver of any licensed cab, cart, or other vehicle to let out for hire on the Sabbath Day, any horse or any such cab, cart, or vehicle, except for works of necessity or charity, or for the purpose of going to, or from, a place of Public Worship, or to a funeral, under the penalty in the discretion of the Magistrate, of forfeiting his license on being duly convicted, besides being otherwise dealt with as for a breach of this By-law.

66. It shall be the duty of the Chief of Police to inspect all licensed cabs, carts and other vehicles, and the horses, and harness, belonging thereto, quarterly or oftener in each year, and whenever the Board shall direct, and to report to the Board as to the state and condition of the same in writing, and it shall be lawful for the Board to suspend the license of any cabman or carter whose vehicle shall be found unsafe, insufficient, or dirty, or whose horse or harness is unfit or unsound or dirty.

67. Words in this By-law importing the masculine gender only shall include male and female, and the word "person" may be construed to mean more than one person, and the word "horse" may be construed as meaning any draught animal, whenever necessary to a proper construction of this By-law.

68. All licenses issued under this By-law shall bear date on the day of issue, and shall state the number of the license and of the vehicle to which it refers, the number of horses to be used in drawing the vehicle, the description of the vehicle, the price of the license, the date of its expiry, and the number of passengers which may be carried in the case of a cab or omnibus, the name of the licensee, and shall be signed by the Chairman of the Board and countersigned by the Clerk of this Board.

69. On the forfeiture of any license issued under this By-law none of the license money shall be returned.

70. Any person guilty of an infraction of any provision of this By-law shall, upon due conviction therefor before the Police Magistrate of this City, or any Justice of the Peace having jurisdiction, be subject to the specific penalties herein before provided in the case,

with costs, and in cases where no specific penalties are provided the convicted person shall forfeit and pay at the discretion of the convicting Justice a penalty not less than two dollars nor more than fifty dollars, together with costs, and in default of the payment of any money penalty and costs, ordered to be paid under any of the provisions of this By-law, the same shall be levied by distress and sale of the goods and chattels of the offender, and in case of no sufficient distress to satisfy the said penalty and costs being found, it shall be lawful to commit the offender to the Common Gaol of the County of Frontenac in this City, there to be imprisoned, for any period not exceeding six months, unless the said penalty and costs be sooner paid.

71. This By-law shall come in force and take effect on the sixth day of January, 1882.

72. From the time this By-law comes in force and takes effect, all By-laws contrary to or inconsistent with this By-law shall be and are hereby repealed.

E. J. B. PENSE,

Mayor,  
Chairman P.C.

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## A BY-LAW

*Relating to Livery Stable Keepers, in the City of  
Kingston, and to licensing the same.*

Passed this 6th day of January, 1882.

Be it enacted by the Board of Commissioners of Police of the City of Kingston as follows:

1. From and after the passing of this By-law every person owning or keeping or intending to own or keep a Livery Stable, or letting or intending to let out Horses or Carriages or other vehicles of travel for hire in the said City of Kingston, shall first apply to the Board of Commissioners of Police of the said City for a license, who may grant the same, which license when granted shall authorize the person in whose name it is issued, and no other, to keep a livery stable and to carry on the business or occupation of letting out Horses and Carriages or other vehicles of travel for hire or reward, and no person shall keep a livery stable or carry on such business in the City without having first obtained and paid for such a license.
2. Every owner or keeper of a livery stable, licensed as aforesaid, shall at all times keep, for the accommodation of the public, a sufficient number of safe, gentle and tractable horses, good strong and sufficient vehicles and harness, and drivers, hostlers, and other servants, who shall be sober, steady, and careful men, competent to their business. And any such licensee who shall not keep such horses, vehicles, and servants, as aforesaid, shall upon being duly convicted of the offence be subject to the forfeiture of his license with costs, or in the alternative to the penalty and costs provided hereinafter for a breach of this By-law.
3. Any person licensed under this By-law as aforesaid who shall carry or keep or suffer to be carried or kept any unprotected or exposed Candle, Lamp, or Lantern, or other light, or use or suffer to be used any smoking Pipe or Cigar, within his stables or other

place where hay or other fodder shall be kept, or who shall keep or suffer to be kept any fire within the said Stable or other place, shall upon conviction as aforesaid be subject to either of the penalties, in the last preceding clause authorized, and costs.

4. Any person licensed under this By-law who shall cruelly beat or in any wise ill treat any horse belonging to him or under his charge, or knowingly allow any of his agents or servants to do the same, or who shall suffer any such horse to be used when sick, lame, or otherwise in a condition unfit for travel, shall upon conviction be subject to either of the penalties in Clause two of this By-law authorized and costs.

5. For the purpose of this By-law every horse in the possession or under the control of any person licensed as aforesaid, his agent or servant, shall be deemed to belong to such person, unless he can prove to the satisfaction of the Chief of Police that any such horse is placed under his charge at the Livery, and that he does not let out the same for hire or reward, and such licensed person who shall when obtaining his license, or when called upon by the Chief of Police or other authorized Officer of the said Board, misstate, conceal, or otherwise deceive as to the true number of horses in his possession, or under his control or charge, shall for every such offence on conviction be subject to the penalty and costs hereinafter provided for a breach of this By-law.

6. For the carrying out of the provisions of this By-law and to ascertain whether any of the same are violated it shall be lawful for the Chief of Police or other authorized Officer of the said Board to enter into any part of the premises in the occupation of any person licensed under this By-law and inspect and examine the same, or any animals, articles or things therein contained, and any such licensed person or other persons who shall obstruct or hinder, or cause to be obstructed or hindered, the Chief of Police or other Officer as aforesaid in the execution of his said duty, shall upon conviction be subject to the penalty and costs hereinafter provided for a breach of this By-law.

7. It shall not be lawful for any person licensed under this By-law, with any horse or vehicle, to carry or suffer to be carried, any goods, wares, merchandize, baggage, burthen, or loading of any description, commonly carried by the licensed carters of the said City, unless the same shall be for his own particular use and that

of no other person whatever, or unless the same be conveyed out of the limits of the said City, when he shall be employed in the regular course of his business, as authorized by this By-law. Any such licensed person thus offending, shall on conviction thereof, be subject to forfeit his license, and to the penalty and costs provided hereinafter for a breach of this By-law.

8. It shall be the duty of the Chief of Police to enter, in a book to be kept for that purpose, the names of all persons receiving licenses under this Act, the number of his license, and the locality of the place of business of each, and he shall, on being ordered by the Board and payment to him of the license money, make out and deliver a license to the person so authorized to receive the same, and all such licenses shall be numbered in yearly series from one upwards.

9. Every license granted under this By-law shall expire on the thirty-first day of December next ensuing the date of issue thereof, and not otherwise, and shall entitle the person taking out the same to keep twelve horses and no more, and any such licensed person, who shall at any time desire to employ a greater number of horses than twelve, shall apply to the Board to have the desired additional number endorsed on his license, which endorsement and the payment of two dollars for each horse so added, shall be his authority for employing such additional number of horses until the expiration of his license. Any such person who shall at any time keep, to let out for hire or reward, a greater number of horses than is thus allowed by his license and the endorsement thereon, shall be subject to the penalty and costs hereinafter provided for a breach of this By-law.

10. The price of each license under this By-law shall be twenty dollars, which shall be paid to the City Treasurer before the issue of the license, and belong to the general funds of the City, and the City Treasurer shall grant a receipt for the license money, and such receipt shall be produced to the Clerk of this Board, who shall thereupon issue the license as aforesaid, and such license shall be signed by the Chairman of the said Board, and countersigned by the Clerk of this Board, who shall file the receipt and keep a record thereof, including the name of the licensee, and the number of the license; and if the license issue after the first day of July the sum of ten dollars only shall be charged.

11. Any licensed Livery Stable Keeper who breaks any agreement he has entered into with any person for the hire of a horse, or horses and vehicle, shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly.
12. Any person who breaks any agreement he has entered into with any licensed Livery Stable Keeper for the hire of any horse or horses and vehicle, by refusing to pay the lawful charge for such horse or horses and vehicle, or by driving beyond the place stated at the time of the hiring, or improperly using the horse, or horses, and vehicle, hired, shall be deemed guilty of a breach of this By-law, and shall be dealt with accordingly, and shall also pay such damages as the Magistrate shall assess.
13. No person, having a valid license at the time of the passing of this By-law, shall be required to take out a new license until said license so held by him shall expire.
14. Words in this By-law importing the masculine gender only shall include females as well as males, and the word "person" may be construed to mean more than one person wherever and whenever necessary for the proper construction of this By-law.
15. Every person keeping horses, or horses and vehicles, for hire, other than such as may be included in and licensed under the By-law relating to cabmen and carters, passed on the 14th day of January, in the year of our Lord one thousand eight hundred and eighty-two, shall be deemed a Livery Stable Keeper, and a license issued under this By-law shall not authorize the licensee to act as a cabman or carter.
16. Any person who shall be guilty of an infraction of this By-law shall, upon due conviction therefor before the Police Magistrate of this City, or any Justice of the Peace having jurisdiction, be subject to the specific penalties hereinbefore provided in the case, with costs, and in cases where there are no specific penalties provided, the convicted person shall forfeit and pay, at the discretion of the convicting Justice, a penalty not less than two dollars nor more than fifty dollars, together with costs, and in default of the payment of any money penalty and costs ordered to be paid under any provision of this By-law, the same shall be levied by distress and sale of the offender's goods and chattels; and in case of no sufficient distress to satisfy the said penalty and costs being found,

it shall be lawful to commit the offender to the Common Gaol of the County of Frontenac in this City, there to be imprisoned for any period not exceeding six months, unless the said penalty and costs be sooner paid.

17. The licenses to be issued under this By-law shall be paid for as follows: If issued before the first day of July the full price shall be paid; if issued after the first day of July one-half the full price shall be paid.

18. This By-law shall come in force and take effect on the 14th day of January, 1882.

19. From the time this By-law comes in force and takes effect all By-laws contrary to, or inconsistent with, this By-law shall be, and are hereby, repealed.

20. Livery Stable Keepers shall be entitled to demand or take and receive the sums set forth in the following tariff for the services therein stated respectively, and no more or greater sums, and no livery stable keeper shall demand or take or receive from any person any greater sums for such services than are set down in the said following tariff, and the said charges shall not be affected by the number of persons driving in any vehicle, but no hirer of a horse or horses and vehicle shall over-load the same or drive the horse or horses drawing any vehicle beyond the rate of six miles per hour, (unless a special arrangement has been made by the owner to the contrary,) or otherwise cruelly treat or beat such horse or horses.

E. J. B. PENSE,

Mayor,

Chairman P. Com.

### LIVERY STABLE TARIFF.

For every single Horse and Buggy, Phaeton, Cutter, or Vehicle, to carry two people, for first hour .....	\$ 0 75
And for every additional hour .....	0 25
For every single horse and vehicle per day of 12 hours, or thirty miles drive.....	3 00
For every single horse and vehicle for half a day, of six (6) hours .....	2 00
For every team and vehicle per day of twelve hours, or 30 miles drive .....	5 00
For every team and vehicle for a half day of six hours.....	3 00
For Buggies, Cutters, Democrats and two Seated Sleighs, &c., per day .....	1 00
For a team and carriage per hour.....	1 00
And for every additional hour.....	0 50
For every two horse carriage to Cataraqui, or the Roman Catholic Cemetery at a burial.....	2 00
For every saddle horse for two or three hours .....	\$1 50
For every double team and carriage to and from dinner parties	1 50
For a team and carriage to and from balls .....	2 00
And for every additional hour after ordering the return ..	1 00

E. J. B. PENSE,

Mayor & Ch. P. C.

CHAPTER 14, VOL. 3.

*A By-Law to Raise, by Way of Loan, the Sum of \$25,000, for the Purpose Hereinafter Mentioned.*

Passed, Monday, April 9th, 1877,

Whereas it is expedient and necessary that the sum of \$25,000, should be raised, by way of loan, by the Corporation of the City of Kingston, for the following purposes, namely :—

\$4,930 required to defray the cost of building the City Registry Office.

\$4,060 required to pay for a new Steam Fire Engine.

\$8,080 required for the City's proportion of the expense incurred in rebuilding Court House.

And whereas it will require the sum of \$2,185, to be raised annually by special rate, for the payment of the said debt and interest as hereinafter mentioned.

And whereas the amount of the whole rateable property of the said Municipality, irrespective of any future increase of the same, or any income from any of the objects of the above proposed outlay, according to the last revised Assessment Roll of the said Municipality, being for the year 1876, is \$5,112,246.

And whereas the amount of the existing debt of the said Municipality is as follows :

Principal, the sum of \$479,894.54, and interest the sum of \$4,688, making in the aggregate the sum of \$484,582.59, of which principal and interest there is in arrear, of principal \$4,236.92, and of interest the sum of \$288, making in the aggregate \$4,524.92 of principal and interest in arrear. (Note—\$18,749 of the above debt is included in, and to be provided for, in the loan to be authorized by this By-law.)

And whereas for paying the said debt and interest by an equal annual payment during the period of the said loan as hereinafter provided, it will require an equal annual special rate of 43-100

of a mill on the dollar, in addition to all other rates, to be levied in each year.

Be it therefore enacted by the Council of the Corporation of City of Kingston as follows:

I. That the Mayor of the said city shall, for and on behalf of, and in the name of, the said, the Corporation of the City of Kingston, under the provision of law in that behalf, and it shall be lawful for the said Mayor to raise by way of loan, from any person or persons, body, or bodies, corporate, who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of twenty-five thousand dollars, and to cause the same to be paid into the hands of the City Treasurer, for the purpose of meeting, paying, and discharging, the sums in the first recited paragraph of this By-law mentioned.

II. That it shall be lawful for the said Mayor to cause any number of Debentures to be made for such sums of money as may be required, not less than one hundred dollars each, and not exceeding in the whole the sum of twenty-five thousand dollars, and that the said Debentures shall be sealed with the seal of the said Council, and signed by said Mayor, and countersigned by the said City Treasurer.

III. That the said debentures shall be payable in twenty years from the day hereinafter mentioned for this By-law to take effect, at the office of the said City Treasurer, and shall have attached to them coupons for the payment of interest, and such a portion of the said Debentures shall be made payable in each year of the said period of twenty years, as with the interest payable, will make the total amount payable in any year of the said period, equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

IV. That said Debentures shall bear interest at and after the rate of six per cent. per annum, from the date thereof, which interest shall be payable on the first day of January and July in each year, at the office of the said City Treasurer, on presentation of the said interest coupons, and in negotiating the said Debentures, regard will be had to the accrued interest thereon at the time of negotiation, and a proper allowance secured therefor, and said Debentures shall be dated the day on which this By-law takes effect.

V. That for the purpose of paying the said Debentures, and the said interest thereon, in the manner aforesaid, an equal special rate of 43-100 of a mill in the dollar, shall, in addition to all other rates be raised, levied, and collected, in each year, upon all the rateable property in the said Municipality, during the continuance of the said Debentures, or any of them.

VI. That this By-law shall take effect and come into force on the the 12th day of April, A.D., 1877.

VII. That the Clerk shall sum up the number of votes given for and against this By-law on the next day after the day of polling at his office, in this city, at eleven o'clock in the forenoon, and the persons to attend at the various polling places, and at the final summing up of the votes by the Clerk, on behalf of the persons interested in and promoting or opposing the passage of this By-law respectively, shall be appointed by the Mayor, on the day before the day of polling, at the City Clerk's office, at eleven o'clock in the forenoon.

VIII. The votes of the electors, &c., &c.

(Signed)

M. FLANAGAN,  
City Clerk.

(Signed)

JOHN McKELVEY,  
Mayor.

[L.S.]

CHAPTER 178, VOL. 2.

*A By-Law to Raise, by Way of Loan, the sum of Four  
Hundred and Seventy Thousand Dollars, Pur-  
suant to the Statute in that Behalf.*

Passed, Monday, December 23rd, 1872.

Whereas by an Act of the Parliament of the Province of Ontario, passed in the thirty-fifth year of Her Majesty's reign, and entitled: "An Act to authorize the Corporation of the City of Kingston, to negotiate a loan of four hundred and seventy thousand dollars, to consolidate the city debt, by the issue of Debentures, and for other purposes," it is enacted, that it shall and may be lawful to, and for, the Corporation of the City of Kingston, to raise by way of loan, upon the credit of Debentures, from any person, or persons, body, or bodies, corporate, either in this Province, Great Britain, or elsewhere, who may be willing to lend the same, a sum of money, not exceeding the sum of four hundred and seventy thousand dollars, of the lawful money of Canada, and the Municipal Council of the said city is thereby authorized to pass a By-law, without observing the formalities required under the Municipal Act in force in this Province in such cases, authorizing the said loan, and the issuing of the Debentures therefor.

And whereas it is expedient to raise by way of loan, as aforesaid, the sum of four hundred and seventy thousand dollars.

Be it therefore enacted by the Council of the Corporation of the City of Kingston, under the authority of the Act hereinbefore first mentioned.

I. That there be raised by way of loan upon the credit of the debentures hereinafter mentioned, the sum of four hundred and seventy thousand dollars of lawful money of Canada, from any person, or persons, body, or bodies, corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same.

II. That the said Council shall cause to be issued debentures of the said Corporation under the corporate seal signed by the Mayor and countersigned by the Chamberlain of the said City for the time being, to the amount of the said sum of four hundred and seventy thousand dollars, and not exceeding the same, bearing interest from date, which interest shall be payable on the first days of January and July in each year at the rate of six per cent. per annum, and said debentures shall be issued for sums not less than one hundred dollars, and a portion of the same shall be made payable in each year for thirty years from the present year, inclusive, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and said debentures shall be issued under the superintendence of the Finance Committee of the said Council, who may determine the amounts thereof, where the same shall be made payable, and whether the same or any part thereof shall be for sterling money or currency.

III. That said loan shall be applied to the payment of the consolidated debt of the said Corporation in the said Act mentioned in the manner directed and required by the said Act.

IV. And whereas the amount of the whole rateable property of the Municipality of the Corporation of the said City of Kingston for the year one thousand eight hundred and seventy-two, according to the revised assessment rolls of the said year, is four millions two hundred and ninety-eight thousand three hundred and twenty one dollars,

Be it therefore enacted that for the purpose of raising money to pay the said debentures as they become due and the interest thereon as aforesaid, there shall be raised in the present year, and in each and every year for the next ensuing twenty-nine years, the sum of thirty-four thousand one hundred and fifty dollars, by a special rate of eight and one-thirteenth mills on the dollar over and above and in addition to all other rates to be levied in each year, which special rate shall be called "The Consolidated Loan Rate," and shall be assessed, levied and collected in each of the said years as aforesaid upon the whole rateable property of the said Municipality. Provided that as the amount of the said rate for this present year has been directed to be levied in the Bylaw already passed providing for the annual liability and

expenditure of the said Corporation for this year, no levy of the said rate for this year shall be made under this Bylaw, except in so far as may be necessary to confirm the said aforesaid levy, and the said aforesaid levy is hereby confirmed for the purposes of this Bylaw accordingly.

V. This Bylaw shall take effect on the thirty-first day of December in the year one thousand eight hundred and seventy-two.

(Signed),

S. T. DRENNAN,

Mayor. (L.S.)

(Signed),

M. FLANAGAN,

City Clerk.

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## LIST OF EXEMPTION BY-LAWS.

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1. A Bylaw to partially exempt from payment of Municipal taxes the property of the Kingston Knitting Company.

[Passed Monday, June 13th, 1881.]

\*\*\* The property in excess of \$3,000 in value is exempted and the period of exemption is for 10 years from 1st January, 1882, expiring 1st January, 1892. Chap. 72, Vol. 3, p. 166,—Old Bylaw Books.

2. A Bylaw to exempt the Kingston Cotton Manufacturing Company's property from taxation for a period of ten years.

[Passed Monday, June 13th, 1881.]

\*\*\* The real property over and above the present assessed value and all the personal property is exempted, and the period of exemption is for 10 years from 30th June, 1881, expiring 30th June, 1891. Chap. 73, Vol. 3, p. 167,—Old Bylaw Books.

3. A Bylaw to partially exempt the property, real and personal, of the Kingston and Pembroke Railway Company in the City of Kingston from Municipal and School taxes.

[Passed Monday, October 24th, 1881.]

\*\*\* The real and personal property owned on the 20th December 1880 and the personal property acquired after this date, over and above the value of \$25,325, is exempted, and the period of exemption is 20 years from the time the By-law takes effect, which will be when the junction mentioned below has been made.

\*\*\* The real property acquired after the 20th December, 1880, shall be exempt as to the excess in value over the amount for which it was assessed at the time it was acquired.

A junction must be effected with the Canada Pacific Railroad on or before the 1st January, 1885. Chap. 80, Vol. 3, p. 182,—Old Bylaw Books. (Confirmed by 45 Vic., Chap. 37, O.)

4. A Bylaw to exempt the real and personal property of the Montreal Transportation Company and of the Kingston and Montreal Forwarding Company from Municipal and School taxes for a period of ten years on certain conditions.

[Passed 30th April, 1883.]

\*\*\* The period of exemption is for 10 years from 1st July, 1883, expiring 1st July, 1893. Chap. 106, Vol. 3,—Old Bylaw Books.

5. A Bylaw to exempt from the payment of Municipal taxes and School rates the manufacturing establishment of the Canadian Locomotive and Engine Company (limited) for ten years from the first day of January in the year 1884, and to repeal the Bylaw thereinafter named.

[Passed Monday, May 28th, 1883.]

\*\*\* The period of exemption is for 10 years from 1st January, 1884, expiring 1st January, 1894 (repealing the Exemption Bylaw passed July 5th, 1875; Chap. 200, Vol. 2, p. 606,—Old Bylaw Books). Chap. 103, Vol. 3,—Old Bylaw Books. Bylaw takes effect 1st January, 1884. Exemption extends to property over \$10,000 in value, and to the value of land acquired after 1st January, 1884, over and above its value when acquired.

8. A Bylaw to partially exempt the property, real and personal, of the firm of Davidson, Doran & Company, Founders and Machinists, from taxes for a period of ten years from the first day of January next.

[Passed August 6th, 1883.]

\*\*\* The improvements and additions to the real and personal property are exempt as to the value over and above \$19,000, the amount of the present assessment, and the period of exemption is for ten years from 1st January, 1884, on which day the Bylaw takes effect. Chap. 114, Vol. 3,—Old By-law Books.

## A BY-LAW

### *Respecting the Kingston Street Railway.*

(Passed Monday, April 16th, 1877.)

Whereas by certain Articles of Agreement bearing date the seventh day of June, in the year of our Lord 1876, between THE CORPORATION OF THE CITY OF KINGSTON, of the first part and THE KINGSTON STREET RAILWAY of the second part, it was mutually agreed and covenanted by and between the said parties as follows:—

### ARTICLES OF AGREEMENT

*Had, made and agreed upon this seventh day of June in the year of our Lord 1876*

Between the CORPORATION OF THE CITY OF KINGSTON, of the first part and the KINGSTON STREET RAILWAY COMPANY, of the second part.

Whereas the party of the second part, incorporated by an Act passed at the late session of the Parliament of Ontario, are authorized to lay down, construct, maintain and operate a single track iron railway upon and along such streets in the City of Kingston as they may be authorized to pass along, under and subject to any agreement to be made between them and the Council of the said city, and under and subject to any by-laws of the said Council made in pursuance thereof.

And whereas the party of the second part have petitioned the said city that they should be permitted to build their railway along the streets and parts of streets hereinafter mentioned; and the party of the first part have agreed to grant the required permission, under and subject as aforesaid.

Now these Articles of Agreement witness as follows, that is to say:—

1. The party of the first part hereby, in consideration of the covenants and agreement of the party of the second part herein contained, agree to permit the party of the second part to lay down, construct, maintain and operate a single track iron railway of the kind known as a street railway, with the necessary side tracks and turnouts as hereinafter mentioned, in and along the

following streets, to the extent herein defined only—that is to say: The starting point of the said Street Railway shall be at the city limits on the northwestern end of Princess Street, thence along Princess Street to King Street, thence along King Street to Barrie Street, thence up Barrie Street to Union Street, and thence along Union Street to the western city limits, upon the conditions, stipulations and provisions contained in this agreement, and in any by-law to be passed in pursuance thereof and in connection therewith.

2. The party of the second part agree as follows—that is to say: the said railway shall be of approved construction and worked under such regulations as may be necessary for the protection of the citizens. Also,

3. All works necessary for constructing and laying the railway track, sidetracks and turnouts shall be made and placed in a substantial manner, according to the best modern practice, under the supervision of the City Engineer, or such other competent person as the City Council shall appoint for this purpose, and to the satisfaction of the said Council. Also,

4. The roadway between the rails and for at least eighteen inches on each side outside of the rails, shall be kept paved or macadamized and constantly in good repair by the party of the second part, who shall also be bound to construct and keep in good repair crossings of a similar character to those adopted by the party of the first part within the limits aforesaid at the intersection of the said track and cross streets. Also,

5. The rails of the said railway shall be laid so as to cause the least inconvenience possible to general traffic, consistent with the proper working of the Company, the said rails shall be laid flush with the streets, the track shall conform to the grades of the streets through which it will run, and shall not in any way change or alter the same. Also,

6. The track shall be laid down in the middle of the street; and during the construction of the said railway due and proper care shall be taken to leave sufficient space and crossings so that the traffic and travel on the said streets shall be left free and unobstructed, and lights, barriers and watchmen provided and kept by the said Company when and where required, to prevent accidents to the public. Also,

7. The city authorities shall have the right to take up the streets traversed by the railway either for the purpose of altering the grades thereof, constructing or repairing drains, or for laying down or repairing water or gas pipes, and for all other purposes within the province and powers of the City Corporation, without being liable for any compensation or damage that may be occasioned to the working of the railway or to the works connected therewith by the ineerruption of the traffic of the railway, or the taking up of the works; but the city authorities shall use all reasonable despatch in replacing the track and works disturbed, but shall not be liable for any damage or loss arising further than they would be liable if said railway had never been laid down. Also,

8. The rails to be employed for said railway shall be those of the most approved construction, and the cars shall be constructed in the most modern style, and shall be commodious, comfortable and suitable cars for the conveyance of passengers, and shall be kept clean and well ventilated. Also,

9. That said railway shall be laid with single track only, with such sidetracks and turnouts as shall be necessary to enable the said company to operate their cars within the time required; and the guage of the said railway track shall be three feet six inches. Also,

10. That no more sidetracks or turnouts than are absolutely necessary shall be laid, and not more than one of any kind in the length of three blocks without leave from the Council. Also,

11. Each car or sleigh employed on the railway shall be numbered. Also,

12. The cars or sleighs shall be run daily from 6½ A.M. to 10 P.M. over the whole track, in such manner that no greater space of time than thirty minutes shall intervene between the passage of one car in either direction and the arrival of another at that point of observation, and so on continuously throughout the said daily period of time; and no cars or sleighs not being in actual use shall be permitted to stand or remain on the track or in the street. If any car runs off the track or upsets it shall be immediately righted and placed on the track again; and no car or sleigh shall, after starting, stop more than one and a half minutes at one time at any place to receive or discharge passengers, or for

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any other purpose; and no car shall be stopped or be allowed to remain on the street crossings. Also,

13. The speed of the cars or sleighs shall never exceed six miles per hour. Also,

14. The conductors shall be sober, prudent, careful, attentive, civil and obliging, and shall announce to the passengers the names of the streets and public squares and places as the cars reach them. Also,

15. The cars shall be used exclusively for the conveyance of passengers, and no parcels shall be carried except those small or hand parcels belonging to passengers. Also,

16. When the accumulation of snow or ice on the roadway shall be such as to impede the traffic of the cars, a sufficient number of sleighs shall be provided for the accommodation of the public. Also,

17. No higher fare shall be charged or exacted than the Act of Incorporation allows. Also,

18. The party of the second part shall be liable for all damages arising out of the construction, maintenance and operation of the railway, and shall protect, save harmless, and indemnify the party of the first part from and against all actions, suits, costs, claims, damages and demands which may arise or be brought or recovered against the party of the first part, in consequence of the concessions and privileges hereby granted, or in consequence of the construction, maintenance or operation of the said railway. Also,

19. The railway track, sidetrack or turnouts, shall be maintained and kept at all times in an efficient and safe state. Also,

20. Should the party of the second part neglect to keep the track, or roadway, or street, or crossings between the rails and on each side of the rails, outside, to the extent aforesaid, in good condition and thorough repair, or to have the necessary repairs made therein, the City Engineer or other proper officer shall give notice thereof requiring such repairs to be made forthwith, and if not made in the opinion of such City Engineer or other officer in a reasonable time, he, the said City Engineer or other officer as aforesaid, shall cause such repairs to be made, and the amount expended in making the same may be recovered by the party of the first part against the party of the second part in any Court of competent jurisdiction. Also,

21. Should the party of the second part at any time give up the railway or any part of it, or cease to exercise the privilege hereby granted to them as to the railway or any part of it, in the manner herein provided, for a period of six months, they shall forfeit the right to run on such part, and shall take up the rails and ties and replace the street in its former condition forthwith. Also,

22. Not more than fifty rods of the track shall be in hands in the laying down and making and completing at one time, and not more than ten days shall be occupied in completing this length and fixing up the track and street as required to be done herein. Also,

23. That no extra charge shall be made for any valise, satchel, market basket or parcel of reasonable size, in charge of or carried by any passenger on said cars or sleighs. Also,

24. That each of the said cars or sleighs used by the party of the second part on or in connection with the said railway shall, after sunset, display two colored signal lights of two different colours, one for each end thereof (only two colours to be used on the railway), and the horses or mules drawing said vehicles shall each have, during each end every trip, a bell attached to some part of the harness. Also,

25. That the construction of the said railway shall be commenced within twelve months from the date hereof, and the work of construction shall go on continuously until it is completed, and the railway shall be fully completed and equipped, and in working order, within fifteen months from the date hereof. Also,

26. That in constructing the said railway and laying the track, then, as fast as the rails are laid the macadamizing, paving or grading, or other materials necessarily removed in the course of such operations, shall be immediately replaced and repaired in a good and substantial manner, and the same at least as before such removal by the said company, and all due despatch shall be observed in restoring and keeping the streets through and along which the said railway passes to their usual condition. Also,

27. That if the railway and works are not proceeded with and completed, and fully equipped with cars and in good working order within the time hereinbefore limited therefor, the party of the first part may annul all the privileges hereby granted, and

abrogate and cancel this agreement and repeal the By-law connected therewith, and all work done by the said company up till that time shall be forfeited to and become the property of the party of the first part, who may enter into new arrangements with any other company or person to construct or complete the said railway and operate the same. Also,

28. It shall be lawful at all times for all and every person or persons with horses, carriages, or any kind or description of vehicle, whether loaded or not, to travel upon and along the track of the said railway, provided that in so doing they shall not interfere with or impede the cars running thereon: the cars in all instances being entitled to the first right of way on the said track. Also,

29. The conductor or driver of any street car or sleigh shall, when required to do so, stop the same at the intersection of streets or at any crossing to receive or leave passengers; and the said car or sleigh shall be so stopped that the rear platform of the car, or the side opening (if such) of the sleigh, as the case may be, shall be free of the crossing. Also,

30. The conductor or driver in charge of any car or sleigh, when the same is running on said track, shall keep a vigilant watch for all teams, carriages, vehicles, and persons on horseback or on foot, especially children, either on the track or proceeding in the direction thereof, and on the first appearance of danger to any such, the car or sleigh, as the case may be, in each case shall be stopped in the shortest time and distance possible. Also,

31. The conductor or driver of a car or sleigh shall not permit any person to leave or enter the car or sleigh while in motion. Also,

32. The use of salt for the purpose of removing snow or ice from the said track, or for any purpose on or near the said track, is strictly prohibited; and recently fallen snow, taken from the track in clearing it, may be evenly spread on the street so as not to obstruct vehicle traffic on the street, either along or across it; but all hard snow or ice must be carried away by the company and not put on the street. Also,

33. In the event of any other company or party proposing to construct and operate the railways on any of the streets or parts of the streets of the city not now allowed to be occupied by the

said party of the second part; and in the event of the party of the first part favoring such a proposal or desiring the construction and operation of such further railways, the party of the second part shall be notified of any such proposals or desire, and if they are willing and within six months after notice, undertake and perform the construction and operation of such further railways upon the terms and conditions which shall be satisfactory to the party of the first part, the said privilege shall be granted to the party of the second part, otherwise the party of the first part may grant it to whom they please, and such terms and conditions need not be the same as, but may be different from, the terms and conditions contained in this agreement. Also,

34. That if it should happen that the said company have not entitled themselves to the privilege of laying down further railways as aforesaid, and the laying down of the same is in the hands of any other company or party, the last mentioned company or party shall have the right of crossing the railway of the said The Kingston Street Railway Company as often as necessary by other railways traversing other streets in making such further railways. Also,

35. The Company shall be obliged, on pain of forfeiture as aforesaid, if the Grand Trunk Railway Company does not bring their passenger depot to or establish a passenger depot at some place in the City south of Princess street within five years from the day of the date of this agreement, within six months after the said period of five years, to lay down, construct, maintain and operate a street railway to the present Grand Trunk Passenger Depot, which shall be laid down, constructed, maintained and operated under the conditions, stipulations and provisions herein contained, but subject to such modification in the running regulations as may be agreed upon by the parties hereto. Also,

36. The said railway shall be operated by the force or power of animals, or such other motive power as may be authorized by the said City Council by By-law, and not otherwise. Also,

37. And the said party of the second part covenant, promise and agree with the said party of the first part as follows, that is to say,

(1.) That they will construct, maintain and operate the said

railway within the times, in the manner, and upon and in accordance with the conditions hereinbefore set forth.

(2.) That they will well and truly and faithfully at all times perform, fulfil and keep all the conditions, covenants and agreements, and do all things in these presents expressed and contained on their part to be done, performed, fulfilled and kept. And the party of the first part covenant, promise and agree with the party of the second part to observe, keep, do and perform well and faithfully, all and every matter or thing that they have to observe, keep, do or perform under and by this agreement.

(3.) That they will not wilfully and without proper cause, hinder or delay the party of the second part in the construction or operating of the said railway, the latter complying in all things with this agreement.

(4.) That the real property of the party of the second part necessary to be owned or held by them in connection with, or to enable them to operate properly, the said railway shall be free from municipal (not school) taxes for five years from the date of this agreement, and their rolling stock, sleighs, horses and personal property necessary to be used on the said railway and in necessary connection therewith shall be free from municipal (not school) taxes for ten years from the date thereof.

In witness whereof the parties hereto have hereunto set their respective common seals and the hands of the Mayor of the said City and President of the said Company respectively the day and year first above written, in duplicate.

Signed, sealed and delivered in presence of

(Signed), ROBT. SHAW, as to signature of B. M. BRITTON.

(Signed), JAS. ROGERS, as to signature of J. L. MORRISON.

(Sgd), B. M. BRITTON,  
Mayor. (L.S.)  
(Sgd), J. L. MORRISON,  
President. (L.S.)

And whereas power is given to this municipality to pass any By-law or By-laws, and to amend, repeal and enact the same for the purpose of carrying into effect any such agreements and covenants as the above recited Articles of Agreement, and also containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and

for enjoining obedience thereto, and also for facilitating the running of the Company's cars and sleighs, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas it is expedient to pass such a By-law.

Be it therefore enacted by the Council of the Corporation of the City of Kingston as follows:—

1. That the said Articles of Agreement hereinbefore recited are hereby ratified and confirmed, and the said Kingston Street Railway Company is hereby authorized to construct, maintain, and operate a single track iron railway with the necessary side tracks and turnouts on the following streets in this City to the extent herein limited and defined, that is to say: Starting at the city limits on the north-western end of Princess street, then along Princess street to King Street, thence along King Street to Barrie Street, thence along Barrie street to Union Street, and thence along Union Street to the western limits of the City; the same to be constructed, maintained and operated under and subject to the conditions, covenants, restrictions, stipulations and provisions contained in the said Articles of Agreement.

2. That as soon as the said Railway is certified as completed and in working order, and this Council has declared its satisfaction therewith, and certified thereto as provided for in the said Articles of Agreement, the said The Kingston Street Railway Company may commence to run cars or carriages and convey passengers thereon, and collect the fare for the same as settled by their Act of Incorporation under and subject to the said Articles of Agreement, and fully operate the said roads.

3. That the cars and carriages running on the said railway shall have the right to use the said railway and the right of way thereon as provided in the said Articles of Agreement, and all other vehicles and all persons shall have the rights and privileges as to approaching, going upon, along and crossing the said track defined and provided as to the same respectively in the said Articles of Agreement.

4. That the rights conferred upon The Kingston Street Railway Company by this By-law and the Articles of Agreement hereby confirmed, shall in all cases and in all times be subject to and limited and controlled by the conditions, covenants, restric-

tions, stipulations and provisions contained in the said Articles of Agreement and this By-law.

5. That any person or persons driving any description of vehicle on said track and thereby impeding the progress of any car or cars then running thereon shall, upon sufficient signal or request from the driver or conductor of such car, at once proceed to turn out of and leave the said track unobstructed, and the driver of any such vehicle wilfully neglecting to do so shall be deemed to be guilty of a breach of this By-law and liable to the penalty in such case provided. Provided that if any person or persons are removing any building or other large, heavy or cumbersome substance along or across the track of the said railway, or if any person or persons so driving upon, along or across said track shall, by any accident, such as the breaking down of his vehicle, be detained thereon, then and in such case the said person or persons shall have a reasonable time to remove all and any such obstructions therefrom, and shall not incur the said penalty or any penalty.

6. That no person shall wilfully place any stone, brick, iron or other obstruction of any kind on the railway whereby the cars may be hindered, upset, run off the track, or otherwise delayed or injured, or whereby the track may be injured, and any person who does so shall be deemed to be guilty of a breach of this By-law and liable accordingly; and no person shall wrongly take up or remove any of the rails, or any other part of the said Railway from the said track, side-tracks or turnouts, or loosen or unfasten the same, and any persons so doing shall be deemed guilty of a breach of this By-law and liable accordingly.

7. That the fares authorized in the Act of Incorporation of the said Company shall be due and payable by every passenger on entering the car or sleigh as provided by the said Act, and any person refusing to pay the said fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one dollar nor more than twenty dollars, recoverable upon conviction before any justice of the peace having jurisdiction, and upon default of (payment of) said fine and all costs forthwith, to imprisonment in the Common Gaol of the City for a period of not more than thirty days as provided in the said Act.

8. That no greater fare than that allowed by the said Company's Act of Incorporation shall be imposed or taken by the said Company or by any of their conductors or drivers, or other servants appointed to collect the same.

9. That the said Articles of Agreement shall, as to and for the purpose of this Section, be deemed a part of this By-law, and the said Company and all persons committing any breach of the said Articles of Agreement shall be deemed guilty of a breach of this By-law, and to have incurred the penalty in the next Section mentioned; but any other remedy to which they may be liable may be adopted against the said Company and persons in any such case.

10. That any person or persons who shall be guilty of an infraction of any of the provisions of this By-law, and who shall be duly convicted of the same by and before the police magistrate or other magistrate having jurisdiction, shall forfeit and pay a penalty of not less than one dollar nor more than fifty dollars for each offence, together with the costs, to be paid and applied according to law, and in default of payment as ordered by the convicting magistrate the same shall be levied on the goods and chattels of the offender, and in default of sufficient distress the offender shall be imprisoned in the Common Gaol of the City for a period not exceeding twenty-one days, unless such fine and costs be sooner paid.

11. The last preceding section shall not apply to the offence mentioned in Section Seven of this By-law, a penalty having been provided therefor in the Company's Act of Incorporation.

12. That the By-law in this behalf, passed on the seventh day of June, A.D. 1876, be and the same is hereby repealed.

(Signed), M. FLANAGAN,

*City Clerk.*

(Signed),

JOHN McKELVEY,

*Mayor.* (L.S.)

## CHAPTER 84, VOL. III.

### A BY-LAW

*To adopt a new Common Seal of the Corporation of the City of Kingston, and to cancel and abolish the Common Seal now in use by the said Corporation.*

[Passed Monday, January 9th, 1882.]

Whereas it is expedient to adopt a new Common Seal of the Corporation of the City of Kingston, and to cancel and abolish the Common Seal now in use by the said Corporation,

Be it therefore enacted by the Council of the said Corporation as follows :

1. That the Common Seal now in use by the said Corporation is hereby cancelled and abolished, and shall not be further used or be of any effect. Provided that all Bylaws, debentures, notes, and other documents to which the said seal has been heretofore lawfully affixed, and which are now in force or unpaid, shall be and remain valid and binding, as if this Bylaw had not been passed.

2. That the seal, of which there is a description and a drawing immediately following this section, is hereby declared to be from henceforth the Common Seal of the said Corporation in the place and stead of the seal cancelled and abolished in and by the first section of this Bylaw.

Description of the Seal adopted in Section two of this Bylaw and a drawing of the same.



Description:—Shield, Chevron, with two Crowns (English and French), City on lower part, Beaver above, Shield supporters, Lion and Unicorn, on scroll the words "Pro Rege, Grege, Lege," and around the outer edge of the face of the seal the words "The Seal of the City of Kingston" and "Ontario."

3. This Bylaw shall take effect on and after the first day of March, 1882.

(Signed), E. J. B. PENSE, (L.S.)

Mayor.

(Signed), M. FLANAGAN,  
City Clerk.

## CHAPTER 104, VOL. III.

### A BY-LAW

*To amend Section 3 of the By-law entitled "A By-law to license and regulate "Junk" Stores and Shops."*

[Passed Monday, January 22nd, 1883.]

Whereas it is desirable that the license fee now payable by the keepers of "Junk" Stores and Shops should be reduced,

Be it enacted by the Council of the Corporation of the City of Kingston,

1. That Section 3 of the By-law in the title of this By-law mentioned, be amended by striking out the figures "\$20.00" and "\$10.00" and substituting therefor the figures \$1.00 and \$1.00 respectively.

2. That this By-law shall come in force immediately upon its passing, and shall determine the amount of the said license fee as well for the present year as for the future while it remains in force.

(Signed), M. FLANAGAN,  
City Clerk.

(Signed), C. LIVINGSTON,  
Mayor (L.S.)

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## CHAPTER 115, VOL. III.

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### A BY-LAW

*Respecting the shooting, firing and setting off of guns, pistols, revolvers and other firearms in the City.*

(Passed Monday, October 1st, 1883.)

Whereas the practice of firing off pistols, revolvers and other firearms in the City is becoming too prevalent for the safety of the inhabitants, and very serious accidents, sometimes involving the loss of life, happen, and may be expected to happen, so long as the practice is allowed to continue, and it is desirable that the practice should be immediately suppressed.

Be it therefore enacted by the Council of the Corporation of the City of Kingston as follows:—

1. That it shall be unlawful for any person to shoot, fire or set off any guns, pistols, revolvers or other firearms in the City, except in the lawful defence of such person's life or of his wife's, child's or servant's life or lives, or except in resisting burglars or other night marauders, or except in a properly constructed and equipped shooting gallery, or except by lawful command and authority, and no person shall do any act herein forbidden.

Any person who shall do any act contrary to the provisions of this By-law, upon being duly convicted thereof before the Police

Magistrate or other Justice of the Peace, having Jurisdiction in the City, shall be liable to a penalty of not more than fifty dollars, nor less than one dollar, for each offence, together with the costs, which penalty and costs shall be paid by the offender as ordered by the convicting Justice, and in default of payment of the said penalty and costs as ordered, the same shall be levied by the distress and sale of the goods and chattels of the offender, and in case of no sufficient distress to satisfy the said penalty and costs being found, the said offender shall be imprisoned in the Common Gaol of the County of Frontenac, for a period of not less than one month nor more than six months, unless the said penalty and costs be sooner paid.

(Signed), M. FLANAGAN,

City Clerk.

(Signed), C. LIVINGSTON,

Mayor. (L.S.)

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## CHAPTER 116, VOL. III.

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### A BY-LAW

*Respecting the sale of fresh meat and to repeal a By-law.*

(Passed Monday, October 1st, 1883.)

Be it enacted by the Council of the Corporation of the City of Kingston as follows :—

1. The By-law passed on the nineteenth day of May, in the year 1879 intituled "A By-law to grant licenses for the sale of fresh meat, in less quantities than by the quarter carcase, and to impose a license fee therefore and for other purposes" is hereby repealed, but such repeal shall not have the effect of reviving any By-law or part of a By-law thereby repealed.

2. Fresh meat may be sold without leave from this Council by the quarter carcase, side or whole carcase in any part of the City, except in public market number two, subject to the market fee if sold in public market number one elsewhere than in leased shambles.

3. Fresh sheep's, beave's and pig's heads, feet and edible viscera may be sold in any part of the City without a license or leave from this Council subject as mentioned in the last section.

4. Fresh meat may be sold in a shop in any part of the City without the leave of this Council, as to the place, by any person in less quantities than by the quarter carcase upon such person obtaining a license from the City Treasurer, who is hereby authorized to grant the same upon application by such person and upon such person paying him the sum of two dollars.

5. Such a license shall not be for a greater period than a year, and shall terminate on the thirty-first day of December next after its issue.

6. The shops or places where any fresh meat is sold or kept or offered for sale, shall be inspected by the Clerk of the public markets once in each week from May until October both inclusive, and once every two weeks during the remainder of the year, and the said Clerk shall promptly prosecute the keeper of any such shop for any avoidable uncleanness found therein, and for any nuisance caused or permitted by him or her therein.

7. The keeper of any shop for the sale of fresh meat or in which fresh meat is kept or offered for sale or sold, shall not keep or offer for sale or sell therein any tainted or unwholesome meat or products of meat, and he or she shall also at all times keep his or her shop clean, wholesome and free from noxious smells and the cause or causes of such and to the satisfaction of the said Clerk of the public markets, and the said Clerk may seize and destroy any tainted and unwholesome meat he finds in any such shop.

8. This By-law except the last section shall not affect the sale of fresh meat in any manner in the shambles at public market number one.

9. No person shall sell fresh meat in less quantities than by the quarter carcase in the city without a license, and no person shall sell fresh meat in the public streets or public markets (except in the leased stalls in the shambles in public market number one), in less quantities than by the quarter carcase.

10. Any person who infringes any of the provisions of this By-law, shall upon conviction be liable to a fine not exceeding fifty dollars nor less than two dollars, exclusive of costs, which fine and costs unless paid as ordered by the convicting justice, shall be

levied by distress and sale of the goods and chattels of the offender, and in default of sufficient distress and of payment of the said fine and costs otherwise, the offender shall be imprisoned in the Common Gaol of the County of Frontenac for a period not exceeding six months—with or without hard labour, unless such fine and costs be sooner paid.

11. This By-law shall come in force and take effect on the first day of January next.

(Signed), M. FLANAGAN,

City Clerk.

(Signed), C. LIVINGSTON,

Mayor. (L.S.)

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## CHAPTER 119, VOL. III

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### A BY-LAW

#### *Respecting Certain By-Laws.*

[Passed Monday, November 26th, 1883.]

Be it enacted by the Council of the Corporation of the City of Kingston,

1. That for and notwithstanding anything contained in the By-law entitled "A By-law to consolidate and amend the By-laws of the Corporation of the City of Kingston, and to repeal certain By-laws;" the By-laws intituled "A By-law to amend section three of the By-law intituled 'A By-law to license and regulate "Junk" Stores and Shops," passed January 22nd, 1883; "A By-law respecting the shooting, firing, and setting off of guns, pistols, revolvers, and other firearms in the city," passed October 1st, 1883; and "A By-law respecting the sale of fresh meat and to repeal a By-law," passed October 1st, 1883, are hereby declared not to be repealed but to be still in full force as if the said first mentioned By-law had not been passed, and the said first mentioned By-law is hereby declared to be amended in accordance

with the said By-laws, so far as the same is inconsistent therewith.

2. That this By-law shall come in force and take effect on its passing.

(Signed), M. FLANAGAN,

City Clerk.

(Signed), C. LIVINGSTON,

Mayor. (L.S.)

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ADDITIONAL BY-LAWS OF THE BOARD OF COMMISSIONERS OF POLICE.

KINGSTON, May 31st, 1882.

A meeting of the Board of Police Commissioners was held this day, when the following resolution affecting the Cab tariff was passed :

"That section 38 of the By-law relating to Cabmen be amended by the following additions: Unless the number exceeds two adults and one child over the age of 14 years when they shall be entitled to charge (\$1.00) one dollar per hour, and in proportion for the fraction of an hour."

(Signed), JOHN GASKIN.

(Signed), C. V. PRICE.

(Signed), JOHN DUFF.

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A BY-LAW

*To amend a By-Law intituled a By-law relating to  
and to provide for the licensing of Carters and  
Cabmen in the City of Kingston.*

[Passed 4th December, 1882.]

Be it enacted by the Board of Commissioners of Police of the City of Kingston as follows :

1st. The first clause of section two of the said By-law down to the word "Licensed," and exclusive of this word is hereby repealed from the first day of January next.

2nd. From and after the first day of January next, the price or charge for a Carter's license in the City shall be, for a double or two horse team (\$10.00) Ten dollars, and a single or double team (\$4.00) Four dollars, subject to the provisions of the said By-law. Provided that a license as for a double or two horse team shall not be needed for the two horses which may be used under section (7) seven of the said By-law.

3rd. Before any license is issued the horse or horses, harness, cart, truck or other vehicle shall be inspected and passed by the Chief of Police who shall certify their condition to the Board.

(Signed),                      JOHN GASKIN,  
Chairman of Board.

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KINGSTON, November 15th, 1883.

The following amendment to the By-law, relating to the licensing of Carters and Cabmen in the City of Kingston, passed 4th day of January, 1882, was read a first, second and third time and passed :

That part of Section 38 which reads "To and from the Grand Trunk Railway trains between 9 P.M. and 6 A.M. each passenger," be altered to read as follows: "To and from the Grand Trunk Railway trains, between 9 P.M. and 8 A.M., each passenger 50 cents."

(Signed),                      C. LIVINGSTON,  
Chairman.

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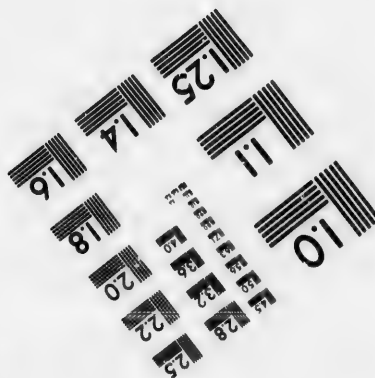
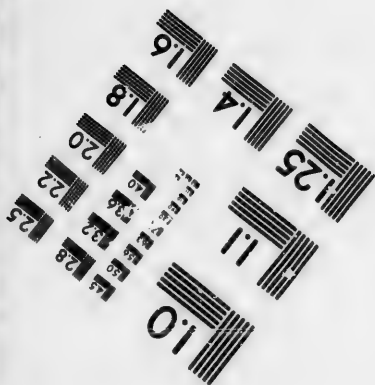
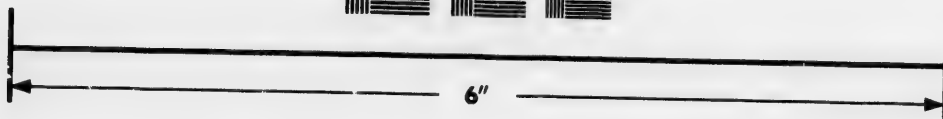
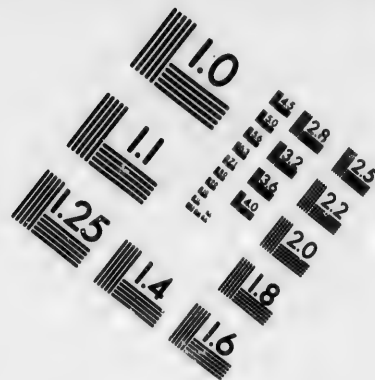
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